

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BRIAN MANETTA, SERGIO)
PEREIRA, ESTHER)
SYGAL PEREIRA, MATTHEW)
MARKOSIAN, NAIMISH BAXI,) Civil Action No.
HARVEY MINANO, SYDNEY) 2:20-cv-07712-SDW-LDW
PECK, MAHMUD IBRAHIM,)
and GEORGE AMORES,)
individually and on)
behalf of all others)
similarly situated)
)
Plaintiffs,)
)
vs.)
)
NAVIENT CORPORATION,)
NAVIENT SOLUTIONS, LLC)
f/k/a NAVIENT SOLUTIONS,)
INC., f/k/a SALLIE MAE,)
INC., and SLM)
CORPORATION,)
)
Defendants.)
)

REMOTE DEPOSITION
OF
GEORGE MICHAEL AMORES
WEDNESDAY, MAY 4, 2022

1 A. Sporadically during my college time there.
2 I don't know exactly how long.

3 Q. When you were in undergrad, you did that?

4 A. Yes.

5 Q. All right. What did you do next?

6 A. I graduated and went into publishing.

7 Q. Who did you work for in publishing?

8 A. Peter Lang, publishing firm.

9 Q. What were your job duties there?

10 A. It was an entry-level position to help
11 with -- talking to professors and setting things up
12 for professors, as that was the main books that we
13 were looking at were professors writing books for
14 their college classes.

15 Q. How long did you have that job?

16 A. I think less than a year.

17 Q. What did you do next?

18 A. For a few months I went to John Wiley &
19 Sons, a publishing firm.

20 Q. What were your duties there?

21 A. Similar with helping the executives put
22 together information for the talent.

23 Q. Is that also an academic publishing house?

24 A. I believe they're the ones that do the "For
25 Dummies" books.

1 A. Now -- yes, now, it does.

2 Q. Okay. So when were you referred to the
3 firm?

4 A. Before that.

5 Q. That would clearly be true.

6 How much before that?

7 A. That's as far as I remember.

8 Q. So just to be clear, you can't remember
9 whether you were referred in 2015, as compared to
10 2020? You just can't remember at all?

11 A. Somewhere between that.

12 Q. Who referred you to the firm?

13 A. Maulik Sanghavi.

14 Q. How did he know of them?

15 A. Excuse me?

16 Q. How did he know of them?

17 A. I don't know. Just....

18 Q. Did Mr. Sanghavi know someone in the firm?

19 A. You'd have to ask him. I don't recall.

20 Q. Have you ever spoken to Mr. Sanghavi about
21 your participation in this lawsuit?

22 A. No. Not in general, no.

23 Q. So aside from the one conversation in
24 approximately 2015, have you ever spoken with him
25 again about any student loan issues?

1 Q. Have you ever been in deferment?

2 A. Yes.

3 Q. Do you have any understanding of how
4 deferment impacts capitalized interest?

5 A. No.

6 Q. Do you believe that Navient Solutions's
7 repayment system and customer service is designed to
8 impede repayment and the discovery of errors?

9 A. I don't know.

10 Q. Does Navient conceal information from you
11 regarding your loans?

12 A. Not that I'm aware.

13 Q. Does Navient provide you with monthly
14 statements that are misleading?

15 A. I don't know.

16 Q. Does Navient have a loyalty program which
17 does not lower the payments to be made on student
18 loans?

19 A. I don't know.

20 Q. Do you know anything about Navient's Office
21 of Customer Advocate?

22 A. No.

23 Q. What is that?

24 A. I said, "No."

25 Q. So you don't know what it is?

1 Can you give me an example on here?

2 A. Yeah, just anything when it comes to the
3 principal or the interest, I see that the numbers
4 change from month to month.

5 Q. Okay. So why don't you take any payment or
6 group of payments and tell me why you think that's
7 inaccurate or improper.

8 A. I'm not sure about the financials.

9 Q. I'm not sure what you mean.

10 A. Just it -- I don't know why it fluctuates.
11 That's all I know.

12 Q. Okay. And before you had reviewed this
13 document in connection with your deposition
14 preparation, had you ever seen it before?

15 A. Besides the preparation? No.

16 Q. Okay.

17 Let's mark as next in order the document
18 that starts -- or Plaintiffs 00009 and ends on 00011.

19 (Exhibit 6 was identified.)

20 BY MS. SIMONETTI:

21 Q. This is not titled. It has -- it's a chart
22 form document, and it reflects a date in the upper
23 left first column of March 2, 2021.

24 Mr. Amores, have you seen this document
25 before?

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BRIAN MANETTA, SERGIO PEREIRA,)
ESTHER SYGAL-PEREIRA, MATTHEW)
MARKOSIAN, NAIMISH BAXI,)
HARVEY MINANO, SYDNEY PECK,)
MAHMUD IBRAHIM, AND GEORGE)
AMORES, INDIVIDUALLY AND ON)
BEHALF OF ALL OTHERS SIMILARLY)
SITUATED,)

PLAINTIFFS,)

V.)

NAVIENT CORPORATION, NAVIENT)
SOLUTIONS, LLC F/K/A NAVIENT)
SOLUTIONS, INC. F/K/A SALLIE)
MAE, INC., AND SLM CORPORATION,)

DEFENDANTS.)
_____)

CIVIL ACTION NO.
2:20-cv-07712-
SDW-LDW

ZOOM DEPOSITION OF NAIMISH BAXI
THURSDAY, MAY 5, 2022

JOB NO. 5152467

REPORTED BY: D'ANNE MOUNGEY, CSR 7872

1 Q Did you see it before it was filed? 10:38:49

2 A I believe so. I can't remember. Again, I 10:38:53

3 believe so. 10:39:00

4 Q Did you make any changes to a draft or 10:39:01

5 anything like that? 10:39:04

6 A I did not. 10:39:05

7 Q What was the first point in time that you 10:39:09

8 came to believe that you have any claims against Navient 10:39:12

9 Solutions? 10:39:16

10 A I'm sorry. Can you repeat that? 10:39:17

11 Q Sure. 10:39:20

12 What was the first point in time that you 10:39:22

13 came to believe that you had any claim against Navient 10:39:24

14 Solutions? 10:39:27

15 A I don't remember exactly when that was. 10:39:29

16 Q Can you estimate for me at all? 10:39:38

17 A I'm truly not sure. 10:39:41

18 Q Can you tell me how you came to that belief? 10:39:47

19 A A colleague of mine -- yeah. 10:39:51

20 Colleague of mine had brought it up and 10:39:56

21 that's kind of when I looked at it. 10:39:59

22 Q What's your colleague's name? 10:40:04

23 A Michelle Robalino. 10:40:06

24 Q Can you spell the last name for us. 10:40:11

25 A R-O-B-A-L-I-N-O. 10:40:14

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1 Q Okay. Where did you work with Ms. Robalino? 10:40:23

2 A She was my co-resident at Mount Sinai. 10:40:27

3 Q Is she currently practicing medicine? 10:40:40

4 A I'm not sure. 10:40:46

5 Q Do you remain in contact with her at all? 10:40:48

6 A I do. I haven't been in contact with her in 10:40:52

7 the past several months. 10:40:56

8 Q Where is she living? 10:41:02

9 A In New Jersey. I'm not sure where. 10:41:04

10 Q What did you discuss with Ms. Robalino that 10:41:14

11 might suggest to you that you have a claim with Navient 10:41:18

12 Solutions? 10:41:21

13 A She -- she just asked if -- she asked if -- I 10:41:21

14 I'm not sure exactly how it came up. 10:41:32

15 She asked if I was using Navient or was 10:41:37

16 Navient servicing my loans and her -- yeah. 10:41:42

17 We looked at it and her husband is a lawyer 10:41:51

18 and he kind of looked at it together, and that's when I 10:41:55

19 sort of better understood that there might be something 10:42:04

20 wrong here. 10:42:08

21 Q Okay. So her husband's last name is 10:42:10

22 Robalino? 10:42:14

23 A No. 10:42:17

24 Q What's his last name? 10:42:18

25 A S-A-N-G-H-A-V-I. 10:42:21

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1 Q Let me repeat that back to make sure I have 10:42:30
2 that. 10:42:32
3 S as in Sam, A as in A, N as in Nancy, 10:42:33
4 G-H-A-V as in Victor, I, Sanghavi? 10:42:37
5 A Correct, correct. 10:42:44
6 Q What's his first name? 10:42:46
7 A Maulik. 10:42:47
8 Q Can you spell that for us? 10:42:49
9 A M-A-U-L-I-K. I'm not a 100 percent sure, but 10:42:51
10 I believe that's how he spells his name. 10:42:59
11 Q Okay. That's good enough. 10:43:01
12 Where is his practice based? 10:43:08
13 A I'm not sure where he is now. 10:43:12
14 Q Where was he working at the time that you had 10:43:16
15 this discussion with him? 10:43:19
16 A I think he was working with the state. I'm 10:43:21
17 not 100 percent sure about that either. 10:43:24
18 Q Okay. That got a little garbled. 10:43:26
19 He was working for the state? 10:43:30
20 A Sorry. I think he was working for the state, 10:43:31
21 but I'm not sure -- I'm not 100 percent sure about that 10:43:33
22 either. 10:43:38
23 Q Okay. Especially with the connection, let's 10:43:40
24 just try not to speak at the same time. 10:43:45
25 A Okay. 10:43:50

1 Q Okay. We did it again. It will make 10:43:50
2 D'Anne's life a lot easier if we just keep it separated. 10:43:55
3 What did you discuss with Ms. Robalino and 10:44:03
4 Mr. Sanghavi that led you to believe there might be an 10:44:09
5 issue with your student loans? 10:44:13
6 A I don't exactly remember what we discussed. 10:44:19
7 After we went over some things, I was referred to this 10:44:30
8 law firm and -- yeah, that's where things went. 10:44:36
9 Q Okay. And you don't have to give me the 10:44:45
10 specifics of what you discussed, but give me any 10:44:48
11 description you can of what you discussed. 10:44:51
12 MR. TRIPODI: Objection. 10:44:55
13 Discussed with whom? 10:44:57
14 MS. SIMONETTI: If you said something, 10:45:04
15 Mr. Tripodi, we can't hear you at all. 10:45:07
16 MR. TRIPODI: Okay. Discussed with whom? 10:45:08
17 Clarify the question. 10:45:12
18 MS. SIMONETTI: We're talking about the 10:45:13
19 conversations that were had with Ms. Robalino and 10:45:14
20 Mr. Sanghavi. That's what we're talking about. 10:45:19
21 MR. TRIPODI: Okay. 10:45:21
22 THE WITNESS: It was a very general 10:45:23
23 discussion about discrepancies within the billing 10:45:24
24 practices, but it was -- all I remember it was general. 10:45:28
25 I don't remember with granular details at all. 10:45:34

1 BY MS. SIMONETTI: 10:45:37

2 Q Okay. What kinds of discrepancies? 10:45:38

3 A I don't remember what we discussed 10:45:41

4 specifically at that time. 10:45:47

5 Q You mentioned a few moments ago that you went 10:45:50

6 over some things with one or both of them. 10:45:54

7 What did you go over? 10:45:58

8 A Just my statements. 10:46:00

9 Q And you're certain it was only the 10:46:13

10 statements? 10:46:16

11 A I believe so. 10:46:18

12 Q Did Mr. Sanghavi show the statements to 10:46:32

13 anyone else, to your knowledge? 10:46:36

14 A Not to my knowledge. 10:46:39

15 Q Did you also show the statements to 10:46:43

16 Ms. Robalino? 10:46:45

17 A I don't remember. I think it was to both of 10:46:47

18 them. 10:46:56

19 Q To your knowledge, did Ms. Robalino show the 10:46:57

20 statements to anyone else? 10:47:01

21 A No, not to my knowledge. 10:47:02

22 Q Aside from those two and your lawyers, have 10:47:06

23 you talked with any other person about information 10:47:11

24 that's reflected on Navient Solutions's monthly 10:47:14

25 statements? 10:47:16

1 Where were you? 10:50:51

2 A I don't remember. I think it was a phone 10:50:53

3 conversation. 10:50:57

4 Q Just to be clear, you can't remember any 10:51:08

5 detail at all about the discussion and what might have 10:51:13

6 been wrong with your monthly statements; is that right? 10:51:17

7 A Correct. 10:51:21

8 Q Why don't you take a look in this Exhibit 1 10:51:24

9 at paragraph 95. Just scroll down. 10:51:29

10 A Yes, I'm here. 10:51:56

11 Q Why don't you take a couple moments to read 10:51:57

12 that. 10:52:01

13 (Document reviewed by the witness.) 10:52:31

14 THE WITNESS: Yes. 10:52:31

15 BY MS. SIMONETTI: 10:52:32

16 Q Are these issues that you discussed with 10:52:32

17 Mr. Sanghavi? 10:52:35

18 A Not in this detail. 10:52:37

19 Q How is Mr. Sanghavi aware of the Tripodi 10:52:47

20 firm? 10:52:52

21 A I'm not sure. 10:52:53

22 Q Did you ask? 10:52:54

23 A No. 10:53:04

24 Q Did you contact any other lawyers before you 10:53:04

25 decided to file this case? 10:53:07

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Naimish Baxi - May 5, 2022

| | | | |
|----|---|---|----------|
| 1 | A | No. | 10:53:09 |
| 2 | Q | Let's take a look at the first few bullets | 10:53:12 |
| 3 | | under this paragraph 95. You see in that first line, it | 10:53:15 |
| 4 | | says: | 10:53:23 |
| 5 | | "For example, in 2014, plaintiff Baxi | 10:53:23 |
| 6 | | made regular monthly payments that | 10:53:26 |
| 7 | | defense allocated inconsistently | 10:53:28 |
| 8 | | inaccessibly towards interest rather | 10:53:31 |
| 9 | | than principal." | 10:53:31 |
| 10 | | Do you see that? | 10:53:35 |
| 11 | A | Yes. | 10:53:35 |
| 12 | Q | Let's work through sentence by sentence. | 10:53:42 |
| 13 | | What information do you have that supports | 10:53:44 |
| 14 | | the statement in that line? | 10:53:46 |
| 15 | A | I don't have information that supports that. | 10:53:53 |
| 16 | Q | If you look at that first bullet, which | 10:54:10 |
| 17 | | states: | 10:54:15 |
| 18 | | "On July 20, 2014, for 1103 Stafford - | 10:54:15 |
| 19 | | unsubsidized, defendants debited | 10:54:20 |
| 20 | | 29 dollars and 40 cents and applied | 10:54:24 |
| 21 | | 12 dollars and 19 cents to interest and | 10:54:27 |
| 22 | | 17 dollars 21 cents to principal." | 10:54:31 |
| 23 | | Do you see that? | 10:54:36 |
| 24 | A | Yes. | 10:54:37 |
| 25 | Q | Where did that information come from? | 10:54:38 |

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Naimish Baxi - May 5, 2022

| | | | |
|----|---|--|----------|
| 1 | A | From my statements. | 10:54:41 |
| 2 | Q | Okay. And upon what basis do you believe | 10:54:48 |
| 3 | | that that allegation is true? | 10:54:53 |
| 4 | A | Based on what my attorneys have explained to | 10:55:04 |
| 5 | | me based on their -- | 10:55:08 |
| 6 | Q | I'm going to caution you. Don't tell me what | 10:55:10 |
| 7 | | your lawyers have told you. I'm not asking for that. | 10:55:13 |
| 8 | | I'm asking -- | 10:55:15 |
| 9 | A | Sorry. | 10:55:17 |
| 10 | Q | I'm asking for what you know. | 10:55:18 |
| 11 | | These are allegations made on your claims, so | 10:55:20 |
| 12 | | I'm asking you what you know. | 10:55:22 |
| 13 | | Go ahead. | 10:55:25 |
| 14 | A | I just know what the statement says; that a | 10:55:29 |
| 15 | | certain amount was applied to the interest and a certain | 10:55:34 |
| 16 | | amount was applied to the principal. | 10:55:36 |
| 17 | Q | So based on your understanding of the | 10:55:40 |
| 18 | | statement and what would be reflected on the statement, | 10:55:42 |
| 19 | | what's wrong with that allocation? | 10:55:45 |
| 20 | A | I don't know. | 10:55:47 |
| 21 | Q | All right. Let's look at the second bullet. | 10:55:48 |
| 22 | | And, again, what information do you have that | 10:55:54 |
| 23 | | would support the allegation it's incorrect? | 10:55:57 |
| 24 | A | I just have what's in front of me. | 10:56:05 |
| 25 | Q | What is your understanding or belief as to | 10:56:11 |

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Naimish Baxi - May 5, 2022

1 how payments should be allocated on your student loans? 10:56:14

2 A I'm not sure. 10:56:19

3 Q Do you have any understanding at all? 10:56:36

4 A I have a basic understanding that there's a 10:56:41

5 principal and interest. 10:56:44

6 Q Okay. 10:56:49

7 A Some amount has to be -- some amount of each 10:56:50

8 payment goes towards both of them. 10:56:53

9 Q Okay. And in your understanding, what should 10:56:57

10 that allocation be? 10:57:02

11 A I don't have an understanding. I imagine 10:57:04

12 it's based on some formula. 10:57:06

13 Q All right. So I'm just going to make sure 10:57:08

14 that we're clear here. 10:57:12

15 If you don't have an understanding, what 10:57:14

16 supports your contention that these allegations 10:57:17

17 reflected in paragraph 95 are true? 10:57:19

18 A I'm not sure. 10:57:24

19 Q Scroll down a little bit more to 116, and I 10:57:45

20 will tell you, I found these paragraphs just by 10:57:57

21 searching your name. It's where you show up on. 10:58:00

22 Why don't you read 116 through 118. 10:58:07

23 A Got it. 10:58:40

24 Q So you see in the top of that page, it says: 10:58:44

25 "Plaintiff Baxi misallocation - lower 10:58:48

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Naimish Baxi - May 5, 2022

| | | |
|----|---|----------|
| 1 | interest loans." | 10:58:51 |
| 2 | Do you see that? | 10:58:51 |
| 3 | A Yes. Yes. | 10:58:53 |
| 4 | Q What does that reference to "lower interest | 10:59:06 |
| 5 | loans" mean? | 10:59:08 |
| 6 | A I know there's several loans and the | 10:59:12 |
| 7 | different loans had different interest rates. | 10:59:18 |
| 8 | Q Let's look at paragraph 116, which reads: | 10:59:30 |
| 9 | "For example, on April 20, 2014, | 10:59:34 |
| 10 | plaintiff Baxi made a payment totaling | 10:59:39 |
| 11 | 675 dollars and 16 cents. There's | 10:59:40 |
| 12 | three loans. 1-01 Sallie Mae Medical | 10:59:44 |
| 13 | School-Stafford loan. 1-02 Sallie Mae | 10:59:47 |
| 14 | Medical School-Stafford loan. And 1-03 | 10:59:52 |
| 15 | Stafford-unsubsidized." | 10:59:56 |
| 16 | Do you see that? | 11:00:02 |
| 17 | A Yes. | 11:00:05 |
| 18 | Q Are you familiar with the numbering | 11:00:05 |
| 19 | associated with those loans? | 11:00:07 |
| 20 | A No. | 11:00:10 |
| 21 | Q Have you ever seen that type of numbering on | 11:00:11 |
| 22 | any documents related to Navient Solutions's loans? | 11:00:14 |
| 23 | A I think they're the numbers on my statements. | 11:00:18 |
| 24 | I believe I've seen that. | 11:00:23 |
| 25 | Q Okay. So if you look at 1-01 Sallie Mae | 11:00:24 |

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1 Medical School-Stafford loan, what does that mean to 11:00:30
2 you? 11:00:32
3 A I'm not sure. 11:00:34
4 Q Let's look at paragraph 117 and this relates 11:00:43
5 to that loan that's 1-03. That says: R3. 11:00:47
6 "At the time the interest rate on 11:00:53
7 plaintiff Baxi's loan 1-03 11:00:55
8 Stafford-unsubsidized loan was higher 11:00:57
9 than the two Sallie Mae loans." 11:01:02
10 Says: 11:01:04
11 "Defendants unilaterally allocated 11:01:04
12 greater portions of his payment toward 11:01:06
13 the Sallie Mae loans (with lower 11:01:08
14 interest rates)." 11:01:13
15 Then there are three payments that are detailed 11:01:15
16 there in bullets. 11:01:19
17 Where does the information in those bullets 11:01:24
18 come from? 11:01:28
19 A My statements. 11:01:30
20 Q Did you provide that information to include 11:01:36
21 in this complaint? 11:01:39
22 A I provided -- yes, I provided my statements. 11:01:41
23 Q Okay. Did you identify these transactions as 11:01:47
24 being examples of supposed misallocation of payments? 11:01:51
25 A No. 11:01:57

Naimish Baxi - May 5, 2022

| | | | |
|----|---|--|----------|
| 1 | Q | Is there anything that you can point to on | 11:01:59 |
| 2 | | any monthly statement that would support a suggestion of | 11:02:03 |
| 3 | | misallocated payments? | 11:02:07 |
| 4 | A | No. | 11:02:09 |
| 5 | Q | So upon what basis do you believe that the | 11:02:13 |
| 6 | | allegations in those bullets is correct? | 11:02:17 |
| 7 | A | I'm not sure. | 11:02:19 |
| 8 | Q | Do you have any belief at all? | 11:02:24 |
| 9 | A | Yeah. I'm not sure. | 11:02:28 |
| 10 | | I mean, upon what basis? I'm not sure. | 11:02:36 |
| 11 | | Yeah. I don't know. | 11:02:39 |
| 12 | Q | What is your understanding or belief as to | 11:02:45 |
| 13 | | how Navient Solutions is supposed to allocate payments | 11:02:48 |
| 14 | | across loans? | 11:02:55 |
| 15 | A | I'm not sure how they're supposed to. I just | 11:03:01 |
| 16 | | know it's formulated. I'm sorry. I'm assuming there's | 11:03:06 |
| 17 | | some formula, but I don't know specifically how. | 11:03:26 |
| 18 | Q | Did you ever call Navient Solutions to | 11:03:30 |
| 19 | | discuss the allegation of payments on your loans? | 11:03:33 |
| 20 | A | No. | 11:03:37 |
| 21 | Q | But you did call Navient Solutions on a good | 11:03:39 |
| 22 | | number of occasions over the years, would you agree? | 11:03:43 |
| 23 | A | Correct. | 11:03:46 |
| 24 | Q | Did you ever ask for any explanation as to | 11:03:48 |
| 25 | | application of payments in any way? | 11:03:54 |

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Naimish Baxi - May 5, 2022

| | | | |
|----|---|--|----------|
| 1 | A | No. | 11:03:57 |
| 2 | Q | How about capitalized interest? | 11:03:58 |
| 3 | A | No. | 11:04:01 |
| 4 | Q | If you look on the allegations in | 11:04:08 |
| 5 | | paragraph 118, which I won't read, you can read them, do | 11:04:10 |
| 6 | | you have any information that supports the allegations? | 11:04:16 |
| 7 | A | No. | 11:04:21 |
| 8 | Q | What's your understanding of what you're | 11:04:35 |
| 9 | | seeking in this lawsuit? | 11:04:36 |
| 10 | A | I'm not sure. I'm not really seeking | 11:04:48 |
| 11 | | anything other than -- yeah. | 11:04:53 |
| 12 | | I'm not sure how to answer that. I'm not | 11:04:57 |
| 13 | | seeking anything like tangible. | 11:04:59 |
| 14 | Q | Then what's your purpose in bringing the | 11:05:05 |
| 15 | | lawsuit? | 11:05:07 |
| 16 | A | Well, I think that if these -- I think these | 11:05:09 |
| 17 | | inconsistent -- these -- I'm not sure how to answer | 11:05:17 |
| 18 | | that. | 11:05:23 |
| 19 | | I just need a second to think about it. | 11:05:23 |
| 20 | Q | Sure. | 11:05:26 |
| 21 | A | Can you repeat the question? | 11:05:27 |
| 22 | | MS. SIMONETTI: D'Anne, can you just read it | 11:05:30 |
| 23 | | back. | 11:05:32 |
| 24 | | (The record was read as follows: | 11:05:32 |
| 25 | Q | Then what's your purpose in | 11:05:05 |

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1 bringing the lawsuit?) 11:05:07

2 THE WITNESS: My purpose is -- well, twofold, 11:05:55

3 I guess. 11:05:59

4 My purpose is if these allegations are true, 11:06:00

5 then I think that Navient has to be held accountable. 11:06:06

6 BY MS. SIMONETTI: 11:06:15

7 Q Okay. So how have you been harmed in any way 11:06:15

8 by the servicing of your loans by Navient Solutions? 11:06:20

9 A I'm sorry. How have I been -- can you repeat 11:06:24

10 that once more? 11:06:32

11 Q Sure. 11:06:33

12 How have you been harmed in any way by 11:06:34

13 Navient Solutions servicing of your student loans? 11:06:37

14 A How have I been harmed? 11:06:42

15 I'm not sure. 11:06:55

16 Q Can you think of anything? 11:06:57

17 A I cannot. 11:07:08

18 Q If you take a look back for a moment at these 11:07:09

19 paragraphs 116 to 118, is there a reason that the 11:07:13

20 transactions discussed in here are from 2014? 11:07:20

21 A I don't know. 11:07:24

22 Q Was there ever a point in time that you had 11:07:33

23 difficulty receiving the monthly statements from Navient 11:07:39

24 Solutions? 11:07:47

25 A I don't remember. 11:07:47

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1 Q Did you ever call Navient Solutions to ask 11:07:55
2 about any information on your monthly statement? 11:07:59
3 A I have called them. Yes, I have called them. 11:08:04
4 I don't remember if I called them like asking for 11:08:10
5 information. 11:08:14
6 Q Have you ever called Navient Solutions to ask 11:08:20
7 for an explanation for anything reflected on your 11:08:23
8 monthly statement? 11:08:26
9 A Not that I recall. 11:08:27
10 Q Has Navient Solutions charged artificially 11:08:41
11 inflated minimum interest payments on your loans? 11:08:45
12 A I don't know. 11:08:48
13 Q Has Navient Solutions misapplied any 11:08:53
14 capitalized interest to your loans? 11:08:56
15 A I don't know. 11:08:59
16 Q Do you have any view as to adequacy of 11:09:11
17 Navient Solutions customer service? 11:09:17
18 A No. 11:09:20
19 Q When you called Navient Solutions, did they 11:09:26
20 assist you with the questions and issues that you had? 11:09:29
21 A I don't remember. 11:09:35
22 Q I think you told me earlier that you listened 11:09:36
23 to some call recordings; is that right? 11:09:42
24 A Yes. 11:09:45
25 Q How many did you listen to? 11:09:46

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1 call that you listened to? 11:11:09

2 A I think it was me requesting for deferment or 11:11:12

3 forbearance; one or the other. Maybe I only listened to 11:11:22

4 two calls. I'm sorry. 11:11:27

5 Q That's okay. 11:11:28

6 Did you receive a forbearance through that 11:11:45

7 telephone call? 11:11:48

8 A I don't remember. I mix up one or the other. 11:11:49

9 Q I'm just talking about the telephone call 11:11:57

10 during the conversation. 11:12:00

11 A Yeah. I don't remember if I received a 11:12:00

12 forbearance or not in that call. 11:12:02

13 Q Do you remember any instance where you called 11:12:07

14 Navient Solutions and you were not provided assistance 11:12:10

15 that you needed? 11:12:14

16 A No, I don't remember. 11:12:16

17 Q Do you remember making more calls than two? 11:12:20

18 A I think I've made more than two calls. 11:12:24

19 Q Do you have any belief that Navient Solutions 11:12:38

20 repayment system is designed to delay repayment for 11:12:41

21 student loans? 11:12:47

22 A I'm sorry. Can you repeat that? 11:12:48

23 Q Do you have any reason to believe that 11:12:59

24 Navient Solutions's repayment system is designed to 11:13:01

25 delay repayment of student loans? 11:13:05

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Naimish Baxi - May 5, 2022

1 A Yeah. My understanding is -- yes, that it is 11:13:08
2 or might be. 11:13:20
3 Q Okay. What's the basis for that 11:13:21
4 understanding? 11:13:23
5 A Discussions with my lawyer. 11:13:24
6 Q Is there anything else? 11:13:29
7 A No. 11:13:32
8 MR. TRIPODI: Let me know when you have a 11:13:40
9 chance to break for about five minutes. 11:13:42
10 MS. SIMONETTI: Yeah. Just a few minutes and 11:13:46
11 we can probably be done. 11:13:48
12 MR. TRIPODI: Okay. 11:13:49
13 BY MS. SIMONETTI: 11:13:54
14 Q Mr. Baxi, do you have an understanding that 11:13:54
15 Navient Solutions documents and customer service is 11:13:56
16 designed to impede the discovery of errors on accounts? 11:14:03
17 A I am not aware. 11:14:09
18 Q Do you have any reason to believe that 11:14:13
19 Navient Solutions has concealed any information from you 11:14:16
20 regarding your student loans? 11:14:19
21 A I do not. 11:14:22
22 Q We talked about this a little bit more and 11:14:26
23 apologize if I'm repeating myself, but do you have a 11:14:29
24 basis for believing that Navient Solutions's monthly 11:14:32
25 statements are misleading? 11:14:37

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1 MR. TRIPODI: Okay. We'll probably be back 12:18:28
2 before the hour. If you want to come back earlier, 12:18:31
3 we'll let you know when we're available. That's fine. 12:18:33
4 MS. SIMONETTI: It will probably take me an 12:18:37
5 hour just to get through this. 12:18:40
6 MR. TRIPODI: Okay. 12:18:42
7 MS. SIMONETTI: You can e-mail me. 12:18:43
8 (Whereupon, a lunch recess was held 12:18:43
9 from 12:18 a.m. to 1:21 p.m.) 13:21:48
10 MS. SIMONETTI: Back on the record. 13:21:48
11 BY MS. SIMONETTI: 13:21:49
12 Q Mr. Baxi, we've looked at a number of monthly 13:21:50
13 statements already today. 13:21:52
14 Do you agree? 13:21:54
15 A Yes. 13:21:55
16 Q Is there any monthly statement from any 13:21:57
17 period of time that you can point to in support of the 13:22:00
18 allegation that there is misallocation of payments? 13:22:04
19 A I cannot specifically point to one. 13:22:07
20 Q Okay. We can go through a lot more, but if 13:22:11
21 there is nothing you can identify on any monthly 13:22:14
22 statement, I won't proceed with showing them to you. 13:22:17
23 A Correct. I don't think I can identify one 13:22:23
24 particular one. 13:22:26
25 MS. SIMONETTI: Let me ask you to look at a 13:23:32

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1 someone that has loan service by Navient that, you know, 13:55:20
2 that has examples of what we're claiming. 13:55:26
3 Q To be clear, what you're claiming is that 13:55:33
4 there was misallocation of payments on your loans? 13:55:35
5 A Yes. 13:55:40
6 Q Are you claiming anything else? 13:55:42
7 A No, I don't think so. 13:55:44
8 Q So in your role as a proposed class 13:55:58
9 representative, what are your obligations? 13:56:01
10 A My obligations are just to give my attorneys 13:56:05
11 the information that helps with this case and I'm 13:56:13
12 obligated to represent potentially the other people in 13:56:23
13 the class. 13:56:30
14 Q At this point, have you told me about all the 13:56:35
15 information you provided to your lawyers about the case? 13:56:38
16 A I believe so. 13:56:44
17 Q Just to make sure we're clear, have you 13:56:52
18 discussed your claims with any persons other than your 13:56:54
19 lawyers and Mr. Ibrahim? 13:57:00
20 A No. 13:57:02
21 Q So as you sit here right now, are you aware 13:57:05
22 of any other person who believes that there was 13:57:07
23 misallocation of payments on student loans? 13:57:10
24 A I guess yes, Michelle, who is initially the 13:57:23
25 person that referred me. But other than her, no. 13:57:27

Naimish Baxi - May 5, 2022

| | | | |
|----|---|--|----------|
| 1 | Q | That's Ms. Robalino; correct? | 13:57:38 |
| 2 | A | Correct. | 13:57:41 |
| 3 | Q | Did Ms. Robalino ever contact Navient | 13:57:43 |
| 4 | | Solutions about any issues regarding misallocation? | 13:57:47 |
| 5 | A | I'm not sure. | 13:57:50 |
| 6 | Q | Did she tell you that she did? | 13:57:53 |
| 7 | A | No. | 13:57:57 |
| 8 | Q | Can you think of a reason why she wouldn't? | 13:58:02 |
| 9 | A | I'm not sure. | 13:58:11 |
| 10 | Q | Have you kept a record of how much time you | 13:58:21 |
| 11 | | have spent on the case? | 13:58:24 |
| 12 | A | I have not. | 13:58:27 |
| 13 | Q | Can you estimate how much time you spent on | 13:58:31 |
| 14 | | the case? | 13:58:34 |
| 15 | A | I don't think I can give a ballpark. I truly | 13:58:34 |
| 16 | | don't know. | 13:58:45 |
| 17 | Q | Well, there would be a big difference | 13:58:46 |
| 18 | | between, say, two hours and a thousand hours. | 13:58:49 |
| 19 | | Can you estimate it in any way? | 13:58:52 |
| 20 | A | Yes. It's not a thousand hours. Yeah. I | 13:58:55 |
| 21 | | can't really give you a reasonable estimate, so -- but | 13:59:02 |
| 22 | | it's not a thousand hours. | 13:59:06 |
| 23 | Q | I'm assuming it's not two hours since we've | 13:59:09 |
| 24 | | been sitting here for more than that today? | 13:59:13 |
| 25 | A | Correct. | 13:59:16 |

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE STATE OF NEW JERSEY

3 -----
4 BRIAN MANETTA, et al,
5 Plaintiffs,

6 Vs. NO. 2:20-cv-07712-SDW
7 NAVIENT CORPORATION et al,
8 Defendants.
9 -----

10 DEPOSITION
11 OF
12 MAHMUD IBRAHIM

13 May 24th, 2022
14
15
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Page 1

1 your student loans?

2 A. It was some time in 2020. I don't
3 remember the exact date.

4 Q. Well, this complaint was filed on June
5 24th, 2020. Does that help you remember?

6 A. I'm assuming was a few months before
7 then.

8 Q. All right. How did you come to believe
9 that you might have legal claims?

10 A. One of my former co-residents, Michelle
11 Roblina (Phonetic), had contacted me and sent
12 that. Her husband had noticed some
13 inconsistencies in her account and asked if --
14 he also noticed in his account as well. Then I
15 guess they asked a few other people and had
16 noticed similar issues in their accounts.

17 So she reached out to me and asked if
18 they can see some of my statements to see if
19 they find the same inconsistencies, which they
20 did, and then from there her husband, Maulik,
21 had referred us to our attorney.

22 Q. What is her husband's name?

23 A. Maulik. M A U L I K.

24 Q. What's his last name?

1 A. I'm not sure.

2 Q. Does "Sanghavi" sound familiar to you?

3 A. Yes, that's it.

4 Q. What were the inconsistencies that they
5 identified on their loans?

6 A. That the payments were being applied
7 appropriately.

8 Q. What was wrong with how the payments
9 were being applied?

10 A. More of the payment was going towards
11 the interest rather than the principal, thereby
12 leaving a higher principal balance and in turn
13 creating more interest down the line.

14 Q. Did they identify any other
15 inconsistencies?

16 A. And that the payments were being
17 applied more towards the lower-interest loans
18 rather than the higher-interest loans.

19 Q. Anything else?

20 A. Those were the two major issues.

21 Q. Were there any other issues at all that
22 they identified on their loans?

23 A. The customer service thing that you
24 brought up earlier. In terms of my loan

1 Q. What is your understanding of any
2 inconsistencies that appear on your student
3 loans?

4 A. So same thing we mentioned earlier. So
5 it is the payments were being erratically
6 applied to more of the interest rather than the
7 principal payment, and the payments were being
8 applied to the lower-interest loans rather than
9 the higher-interest loans.

10 Q. Are there any specific instances that
11 you looked at that reflect what you just said?

12 A. That I found, no, not until the
13 attorneys pointed it out to me.

14 Q. If you look at a statement at this
15 point in time are you capable of identifying any
16 transaction that you think reflects an
17 inconsistency?

18 A. No.

19 Q. Do you have any ability to do that at
20 all?

21 A. I do not, no.

22 Q. Do you know whether Mr. Sanghavi or his
23 wife contacted Navient Solutions about these
24 inconsistencies?

1 A. I do not, no.

2 Q. Do you know whether they took any
3 action at all about the inconsistencies?

4 A. I have no idea.

5 Q. Have you talked with either of them
6 about this lawsuit?

7 A. No, not since they initially referred
8 me to the attorney.

9 Q. Do you remain in contact with
10 Mr. Sanghavi?

11 A. I haven't talked to him, like I said,
12 since he referred us.

13 Q. How about his wife, Ms. Roblina? I
14 think she has a hyphenated last name.

15 A. No. Again, I haven't talked to her --
16 I have not talked to her at all since they
17 referred us.

18 Q. So aside from speaking with them and
19 turning over documents, have you done anything
20 to confirm the allegations in the complaint are
21 true as to your claims?

22 A. Nothing. I defer all that to the
23 experts.

24 Q. But you haven't spoken with an expert

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BRIAN MANETTA, SERGIO PEREIRA,)
ESTHER SYGAL-PEREIRA, MATTHEW)
MARKOSIAN, NAIMISH BAXI, HARVEY)Case No.:
MINANO, SYDNEY PECK, MAHMUD)2:20-cv-07712-SDW-
IBRAHIM, and GEORGE AMORES,)LDW
individually and on behalf of)
all others similarly situated,)
Plaintiffs,)Pages 1 to 112
vs.)
NAVIENT CORPORATION, NAVIENT)
SOLUTIONS, LLC f/k/a NAVIENT)
SOLUTIONS, INC. F/k/a SALLIE)
MAE, INC., and SLM CORPORATION,)
Defendants.)
_____)

DEPOSITION OF:
BRIAN JOSEPH MANETTA
WEDNESDAY, MAY 25, 2022

7:00 a.m. Pacific Standard Time

REPORTED BY:
Vickie Blair
CSR No. 8940, RPR-CRR
JOB NO. 5187000
PAGES 1 - 112

1 A That I don't know.

2 Q How would you determine that?

3 A I don't think that I could determine that.

4 Q Why not?

5 A Because I'm not a forensic accountant.

6 Q Why would a forensic accountant be needed to
7 make that determination?

8 A I just don't think I have the math skills to
9 go back and reallocate interest payments, it seems like
10 a very complicated and daunting task to me, it's not one
11 that I'm particularly suited for. I don't know how I
12 would be able to do that.

13 Q Did you ever ask anyone else if they would
14 be able to do that?

15 A I actually made an appointment with my
16 accountant because I thought something was wrong with
17 the way the loans were coming out, but unfortunately he
18 passed away, and then -- before we could have that
19 meeting, and so I never -- I didn't have that -- that
20 meeting was never held.

21 Q How about Mr. Sanghavi, did you ask him?

22 A Yes.

23 Q And was he able to perform this with respect
24 to his own loans?

25 A With respect to his own loans? I'm not sure

1 what he did with respect to his loans, except to
2 identify a potential issue for me, and when I looked at
3 it, I said, yes, I think that's -- what he was telling
4 me, which, obviously, the substance I can't recall at
5 this point precisely, but what he was saying was kind of
6 in accord with what I had been suspecting.

7 Q So what's your best recollection, if you
8 can't remember specifically? What did he tell you that
9 he found on his own loans?

10 A That there was misapplication of payments,
11 overpayments not going to principal, things like that.

12 Q Is that all he told you?

13 A I think -- I think we discussed -- it's all
14 that he told me that I can recall. Just the
15 misallocation and -- and payments kinda not going where
16 they were supposed to go.

17 Q Did you do anything to follow up on what he
18 told you? Did you call Navient Solutions? Did you do
19 anything other than contact counsel?

20 A I did not.

21 Q What's the status of Mr. Sanghavi's
22 litigation against Navient Solutions?

23 A I'm not sure. I don't know.

24 Q Do you know anything about it at all?

25 A I know it's been going on for some time, but

1 I don't know which stage. I would assume that there has
2 not been a trial, but I don't know.

3 Q When's the last time you spoke with
4 Mr. Sanghavi?

5 A He's one of my very good friends, I speak to
6 him pretty regularly.

7 THE REPORTER: I'm sorry, I didn't hear the
8 tail end of what you said.

9 THE WITNESS: Yeah, I was just pausing
10 because I heard a dog.

11 THE REPORTER: But you were still talking
12 while the dog was barking. Here's what I have you
13 saying.

14 (Record read as follows:

15 "Q He's one of my very good
16 friends, I speak to him pretty regularly.")

17 THE WITNESS: Yeah, I speak to him pretty
18 regularly, not -- not only about the -- about -- about
19 his litigation, which, yeah, is occurring, but, you
20 know, we talk about our families, talk about that kind
21 of thing, so --

22 BY MS. SIMONETTI:

23 Q How do you know him?

24 A The 8:00 a.m. first day of law school, he
25 sat next to me, and we went through the contracts class,

1 A Yeah, I think it's all -- I think it's all
2 in the complaint.

3 Q Okay. So let's take a look at paragraph 99.

4 A Okay. Do you mind, I printed out a hard
5 copy, can I use the hard copy?

6 Q Yeah.

7 A Is that okay?

8 Q Definitely.

9 A Yeah, I'm there.

10 Q Okay. So this is the section entitled
11 "Plaintiff Manetta Misallocation - Principal/Interest."

12 Okay. In paragraph 100 --

13 A Uh-huh.

14 Q -- this references loan 1-01 consolidation.

15 A Uh-huh.

16 Q Do you recognize that as the loan
17 identifying number?

18 A Yes.

19 Q And then there are four bullet points --

20 A Uh-huh.

21 Q -- under your -- let's just take the first
22 one as an example (as read):

23 On July 20, 2007, defendants debited
24 \$204.06 and applied \$193.80 to interest and
25 \$10.26 to principal.

1 Do you see that?

2 A Yes.

3 Q Okay. How -- how is that an example of
4 misallocation?

5 A That is an example of the misallocation
6 because I think when you look at the next bullet points,
7 the interest -- how much is applied to interest and
8 principal are constantly fluctuating.

9 Q Okay. Do you know how interest accrues on
10 your student loans?

11 A The -- it's my understanding that it accrues
12 daily.

13 Q Okay. Where did this information come from?

14 A I believe this came from the -- this
15 information came from the Navient website.

16 If you -- it's extraordinarily difficult to
17 find on the website, but I think -- I think I was able
18 to, and I might have been assisted by Mr. Sanghavi, by
19 Maulik as to how to even find it.

20 I know with my private loans, it was very
21 easy to just click on something, and it gave you a chart
22 of how this is done, this is how this is done.

23 I had to go through awhile on the Navient
24 website to get to -- I believe you can export your
25 payment history and how it's allocated on Excel, and

1 that's all.

2 A Yeah, my recollection is, no, I've paid on
3 time.

4 Q Has capitalized interest ever been applied
5 to your loans?

6 A I don't know.

7 Q What's capitalized interest?

8 A I would be guessing wildly as to what the
9 definition of capitalized interest is. I believe I
10 understand the concept, where the interest becomes part
11 of the principal, but I don't think I can give you
12 anything more than that.

13 Q Is there anything on this first page of this
14 statement that is confusing to you?

15 A Confusing to -- can you -- can you ask that
16 question again? Confusing to me how?

17 Q In any way. Do you understand it?

18 A I understand the question, it's pretty
19 broad. As I'm reading it now, I don't seem confused.

20 Q Okay. Let's go to the second page.

21 Do you remember reviewing the page that
22 looks like this, it's formatted like this, in the past?

23 A And we're talking about the number ending
24 87; correct?

25 Q Yes.

1 Q Do you have any understanding of what
2 obligations Navient Solutions might have under
3 regulations promulgated through the Department of
4 Education?

5 A I do not.

6 Q Do you have a belief that the allocation
7 amounts that we looked at before has caused you
8 financial harm?

9 A Do I have a belief that it has caused me
10 financial harm?

11 Q Uh-huh.

12 A Yes.

13 Q And is that based only upon what you've been
14 told by Mr. Sanghavi and others?

15 A It's based on that, it's based on my initial
16 suspicion that something was amiss, yes.

17 Q Remind me when that initial suspicion arose?

18 A 2016, 2017.

19 Q That's right. And remind me again what
20 caused you to suspect that?

21 A What caused me to suspect that was certainly
22 in part that my -- my private loans, the principal was
23 being reduced at a -- at a -- at a rate that was -- the
24 principal was being reduced much faster than the federal
25 loans.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

X-----X

| | | |
|--------------------------|---|----------------|
| BRIAN MANETTA, SERGIO | : | CIVIL ACTION |
| PEREIRA, ESTHER | : | DEPOSITION OF: |
| SYGAL-PEREIRA, MATTHEW | : | |
| MARKOSIAN, NAIMISH BAXI, | : | |
| HARVEY MINANO, SYDNEY | : | |
| PECK, MAHMUD IBRAHIM and | : | |
| GEORGE AMORES, | : | MATTHEW |
| individually and on | : | MARKOSIAN |
| behalf of others | : | |
| similarly situation, | : | |
| Plaintiffs, | : | |
| | : | |
| vs. | : | |
| | : | |
| NAVIENT CORPORATION, | : | |
| NAVIENT SOLUTIONS, LLC | : | |
| f/k/a NAVIENT SOLUTIONS, | : | |
| INC. f/k/a SALLIE MAE, | : | |
| INC., and SLM | : | |
| CORPORATION, | : | |
| Defendants. | : | |
| | : | |

X-----X

C O M P U T E R I Z E D T R A N S C R I P T
of the stenographic notes of the proceedings in
the above-entitled matter as taken by and before
MELISSA J. LUMI, a Certified Court Reporter, No.
30X100237000, and Notary Public of the State of
New Jersey, taken remotely, on October 12, 2022
commencing at 10:00 in the forenoon.

1 Q. I'm going to try to get another
2 exhibit to show up here. Sometimes that can be a
3 challenge, but we're going to try.

4 A. I have it.

5 Q. You got it? Great.

6 (Complaint is received and marked
7 as Exhibit 2 for identification.)

8 Q. So Exhibit 2 is the Complaint
9 filed in this case on June 24, 2020. Have you
10 seen this document before?

11 A. Yeah, I believe -- yeah, I've seen
12 the Complaint.

13 Q. Did you review it before it was
14 filed?

15 A. I believe I did.

16 Q. Okay. Did you make any changes to
17 the draft?

18 A. Me personally, no.

19 Q. Okay. How did you learn that you
20 had any supposed claims against Navient?

21 A. Well, Maulik Sanghavi was a friend
22 of mine, we went to law school together, and he
23 had mentioned to me that he had what he thought
24 was an issue with his school loans and we -- you
25 know, I happened to have the same company, so he

1 said that he was speaking with a law firm in, I
2 believe in New York, about it and that it might
3 be a good idea if I provide them my documentation
4 so that they can review my account to see if I'm
5 having the same issue that he was having.

6 Q. What's the issue that he was
7 having?

8 A. I don't -- honestly, I don't
9 remember him articulating the specific issue at
10 that time. I mean, I've come to understand after
11 reviewing the complaint what the issues are, but
12 I don't my knowledge at that time. I don't
13 really remember having specific knowledge of what
14 exactly the issue was, and he said send it over
15 and I did.

16 Q. So prior to that conversation, you
17 had no reason to believe that there was anything
18 wrong with the servicing of your student loan?

19 A. No. I mean, like I said, it had
20 been on auto pay. It wasn't something, you know,
21 that I looked at very closely. I mean, it's a
22 bill that had to get paid every month, and, you
23 know, I paid it every month. I wasn't really
24 paying attention to anything specific about it
25 nor did I think there would be any reason to

1 scrutinize, you know, my law school loans and the
2 repayment thereof.

3 Q. Okay. And in the conversation
4 that you just related to me, you can give me no
5 further detail about what the issue was that Mr.
6 Sanghavi described. Is that right?

7 A. I don't -- you know, not sitting
8 here today. I don't have a specific recollection
9 of what he told me his issue was. I don't
10 remember. All I remember was there was, you
11 know, something might not have been right or
12 might have not been done the right way, but
13 beyond that, I can't tell you anymore about the
14 content of that conversation. I don't even
15 remember, frankly, when it was. I think it was
16 pre-pandemic.

17 Q. Do you have any recollection of
18 when it was at all?

19 A. Like I said, I can tell you that
20 it was pre-pandemic, but beyond that, I would be
21 guessing. I mean, it certainly wasn't, for
22 example, it wasn't in 2015 or anything like that.
23 I could give you a general window of time, you
24 know, but I couldn't identify specifically the
25 year.

1 of it.

2 Q. Okay. How did you develop that
3 understanding?

4 A. I think just from the complaint.

5 Q. Where did the information
6 underlying the allegations in the complaint come
7 from?

8 A. My information?

9 Q. Right. Your information.

10 A. From documentation I presume that
11 I had provided.

12 Q. What documentation did you
13 provide?

14 A. I think I just gave access to my
15 online account. I don't remember -- I mean, I
16 think I -- you know, I don't remember anything
17 beyond that. I may have had some documents, some
18 original loan documents that I provided myself
19 that I had to find in my records, but I don't
20 really remember anything other than that.

21 Q. Did you review anything that you
22 provided to your lawyers in connection with the
23 preparation of this complaint?

24 A. I mean, no. No. I mean, I --
25 like I said, I think I had to find a document,

1 like one of the original loan documents, if I
2 remember. If I reviewed it, I don't know. I
3 wouldn't say reviewed. I certainly looked at it.
4 I identified it as a document that he needed, but
5 I didn't review any documents, you know, in the
6 sense that I was looking to confirm anything, or
7 I didn't look at the documents from a lawyer's
8 perspective. I just gave the information that
9 they were looking for.

10 Q. I'm not asking you at all for any
11 lawyer's perspective. I understand you're a
12 lawyer. I'm just asking you as a Plaintiff, as a
13 Plaintiff fact witness. I'm not asking you for
14 any lawyer analysis in any way whatsoever.

15 So let's look at Paragraph 40 in
16 the complaint if you scroll down. That is, I
17 think, Page 13.

18 A. Okay.

19 Q. Okay. So why don't you take a
20 moment to read that.

21 A. Paragraph 164?

22 Q. Paragraph 40 on Page 13.

23 A. Oh, forgive me. I went to Page
24 40. Okay.

25 Q. Okay. So where did this

1 information come from in Paragraph 40?

2 A. I assume from my loan documents.

3 Q. Do you have any independent reason
4 to believe that these loan figures are correct?
5 There's a reference to your total loans, \$19,000.
6 Is that correct?

7 A. I guess that's what I assume the
8 loan documents say. Like I said, I didn't -- I
9 didn't have a specific recollection of how much
10 outstanding there was, but --

11 Q. When you read this complaint, did
12 you think that you should take a look at
13 something to make sure these allegations are
14 correct?

15 A. Well, I -- so I don't -- I'm
16 sorry. Can you repeat that question?

17 Q. When you reviewed the draft
18 complaint, did you think that you should look at
19 anything to see if the allegations were correct?

20 A. Did I think -- no, I didn't think
21 that I should review anything.

22 Q. Okay. Can you scroll down to
23 Paragraph 102 that's on Page 25? You can look at
24 102 and 104.

25 A. Okay.

1 Q. Why don't you take a minute to
2 read those.

3 A. Okay.

4 Q. Okay. Do you have any independent
5 basis for believing that these allegations are
6 true other than just reading them here in the
7 complaint?

8 A. Other than -- my understanding is
9 there's an expert -- no, I don't have any -- I
10 don't have any independent basis to -- no. I
11 mean, my understanding is that there was some
12 sort of review by an expert. I'm certainly not
13 an expert. I could not figure any of this stuff
14 out.

15 Q. Have your loans ever been
16 delinquent?

17 A. Possibly. There might have been a
18 period of time in -- shortly after law school. I
19 don't know -- I don't know when the loans are
20 considered -- when loans go from overdue to
21 delinquent. I don't believe that my loans have
22 ever been, quote unquote, delinquent, but to the
23 extent delinquent has a specific meaning versus
24 just overdue, I'm not aware of my loans ever
25 being delinquent.

1 Q. So when I use the word delinquent,
2 I just mean payments late. There's no special
3 meaning to it. That's all it means. Late.

4 A. Okay. Then yes, I've made late
5 payments.

6 Q. Okay. Do delinquent payments have
7 any impact on the allocation of payments?

8 A. I don't know.

9 Q. Okay. What's capitalized
10 interest?

11 A. What is capitalized interest?
12 Capitalized -- you're looking for like a
13 definition of capitalized interest, my
14 understanding?

15 Q. Yes. What is your understanding
16 of the meaning of the words capitalized interest?

17 A. I don't know that I can give you a
18 definition.

19 Q. Okay. Has Navient ever applied
20 capitalized interest in your student loans?

21 A. I don't know.

22 Q. If they did that, would that have
23 been improper?

24 A. I don't know.

25 Q. Okay. Can you tell me how you

1 have been harmed in any way by anything that
2 Navient did in servicing your loans?

3 A. Well, if I have been paying back
4 my loan over a longer period of time than I
5 should have and -- or if I ultimately paid more
6 than I should have, then there's a financial harm
7 there, I would imagine.

8 Q. Is there any document that you can
9 point to that would support a contention that
10 you've been paying for a longer period of time
11 than you should have? Anything at all?

12 A. Like I said, my understanding is
13 that there was -- that there was an expert that
14 reviewed these materials and that there's an
15 expert, as part of this litigation, that supports
16 this theory, but outside of that, I don't have
17 any independent knowledge or any -- I can't
18 identify anything else.

19 Q. So you would not be offering any
20 testimony in support of your own claims.

21 A. I'm sorry. Can you --

22 Q. You would not be offering any
23 testimony in support of your own claims.

24 A. I'm not sure that I understand.
25 When? At a trial? When --

1 Q. Well, you can offer testimony
2 today, you can offer testimony in trial. Those
3 are your options.

4 A. Okay. No, I don't have any
5 independent knowledge with respect to the
6 servicing of my loans. It's not something I've
7 ever paid attention to. So no, I don't --
8 there's no evidence I'm going to present, you
9 know.

10 Q. Okay. Why do you think that you
11 have claims that are similar to claims held by
12 any other borrower?

13 A. It seems like -- well, we all have
14 student loans through the same company, and if
15 they're being processed or handled in the same
16 way, that is whereby payments that the other
17 borrowers are making are applied more interest
18 than principal, then I would say we're probably
19 all similarly situated.

20 Q. Okay. Have you spoken with any
21 other borrower? And we can set aside Mr.
22 Sanghavi. Any other borrower of Navient who can
23 provide you with any other example of when that
24 happened?

25 A. When what happened?

1 Q. This misapplication of payments
2 that you just talked about.

3 A. No.

4 Q. Have you ever seen any document
5 that reflected a misapplication of a payment?

6 A. I don't know. I mean, I don't
7 know that I was aware that there was this
8 misapplication. So --

9 Q. That's not my question. My
10 question is have you ever seen any document that
11 reflects a misapplication of a payment?

12 A. I don't know. I could have and
13 not recognized it as such, I guess.

14 Q. Let me see if this is going to
15 work. Do you have that?

16 A. Is this another exhibit?

17 Q. It's Exhibit 3, and it's Bates
18 numbers 005774 through 005826. Do you see it?

19 A. I got it.

20 (Document is received and marked
21 as Exhibit 3 for identification.)

22 Q. Okay. Why don't you go down a
23 couple of pages, I think it's two pages. Okay.
24 The second page.

25 A. Okay.

1 through it all again, but you see that the
2 statement has the same information, same
3 formatted information every month. Do you agree
4 with that?

5 A. Yes.

6 Q. I think I did ask you this
7 earlier, but just so we're clear, have you ever
8 called Navient's customer service line?

9 A. Not that I recall.

10 Q. Have you ever contacted the office
11 of the customer advocate?

12 A. Not -- no.

13 Q. Do you know what that is?

14 A. No, other than presuming based
15 upon the title, no.

16 Q. Okay. What do you presume based
17 on the title?

18 A. I presume that Navient has someone
19 to handle complaints, issues that may arise with
20 loan holders to resolve issues that may arise.

21 Q. Do you content that there's
22 anything about the monthly statements that is
23 misleading?

24 A. No. I --

25 Q. Has Navient concealed any

1 information from you regarding your student
2 loans?

3 A. I don't know.

4 Q. Has Navient made any
5 misrepresentations to you?

6 A. I don't know.

7 Q. Has Navient failed to disclose any
8 information about your loans that you would
9 consider to be important?

10 A. I don't know.

11 Q. From your point of view, what
12 would a proper allocation of payments be?

13 A. I don't have a point of view on
14 that topic. I mean, I'm not a finance -- you
15 know, I don't have a background in it. I don't
16 know.

17 Q. Have you done your best today to
18 tell me everything that you think Navient did
19 wrong on your student loans? Do you have
20 anything to add?

21 A. I don't.

22 Q. Did you do any research on the
23 firm representing you before you retained them?

24 A. No.

25 Q. How did you choose them?

1 A. I don't know that. I mean -- I
2 just went with the firm. I didn't --

3 Q. How did you know about the firm?

4 A. I mean, I had heard of the firm in
5 the past, as practicing civil litigation in
6 northern New Jersey from 2006 to, you know, up
7 until a few months ago, and it wasn't an
8 unfamiliar name.

9 Q. Okay. How did you select it? Did
10 you look at the class action experience? I
11 mean, what did you do?

12 A. I didn't -- it was, again, Mr.
13 Sanghavi had -- we had a discussion, he
14 recommended that I send documents to a firm and I
15 did. I didn't do any of my own independent
16 research into that law firm or any other law
17 firm. I recognized one of the names in the
18 letterhead just from practicing civil litigation
19 in northern New Jersey, like I said, but beyond
20 that, that's it.

21 Q. What's your understanding of your
22 role in this case as a proposed class action
23 representative?

24 A. My understanding of my role is
25 that I represent a member of a class of people

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BRIAN MANETTA, SERGIO PEREIRA,)
ESTHER SYGAL-PEREIRA, MATTHEW)
MARKOSIAN, NAIMISH BAXI,) CASE NO.
HARVEY MINANO, SYDNEY PECK,) 2:20-CV-07712-
MAHMUD IBRAHIM, AND GEORGE) SDW-LDW
AMORES, INDIVIDUALLY AND ON BEHALF)
OF ALL OTHERS SIMILARLY SITUATED,)

PLAINTIFFS,)

VS.)

NAVIENT CORPORATION, NAVIENT)
SOLUTIONS, LLC F/K/A NAVIENT)
SOLUTIONS, INC. F/K/A SALLIE MAE,)
INC., AND SLM CORPORATION,)

DEFENDANTS.)

DEPOSITION OF HARVEY MINANO
FRIDAY, APRIL 15, 2022

LOCATION: REMOTE PROCEEDING
REPORTED REMOTELY BY: SUSAN S. HENRIQUEZ, CERTIFIED
SHORTHAND REPORTER NO. 13763

JOB NO. 5152496

1 A Yes.

2 Q Mr. Minano, have you ever seen this before?

3 A Yes.

4 Q What is it?

5 A This is the -- what was filed, I believe.

6 MR. VAN SPLINTER: Take your time to look at this
7 document just to make sure.

8 THE WITNESS: Right. This is what I remember
9 that was filed.

10 BY MS. SIMONETTI:

11 Q Okay. This is the Complaint that was filed in
12 the case?

13 A Yes.

14 Q Did you review this before it was filed?

15 A I went over it briefly, yes.

16 Q And you went over it briefly with your lawyers?

17 A I'm sorry?

18 Q You went over it with your lawyers; correct?

19 A I believe so, yes.

20 Q Did you make any changes to a draft?

21 A No.

22 Q Based on this Complaint, what is your
23 understanding of the claims that you're asserting?

24 A The claims, to my understanding, is that there
25 were some -- how do I say this? There was some fraudulent

1 activity that was happening with my student loans. That's
2 what this is kind of in regards to, the Complaint.

3 Q What sort of fraudulent activity do you allege?

4 A I'm not sure.

5 Q Do you have any understanding at all?

6 A Not really, no, of the fraudulent activity, no.

7 Q Do you have any factual basis for believing that
8 there's fraudulent activity on your student loans?

9 A Not me, no.

10 Q So who would have that information?

11 A I talked about it with my lawyers. I think they
12 might have something.

13 Q Well, your lawyers can't be witnesses.

14 A Right.

15 Q Do you have any information that would suggest
16 there's fraudulent activity on your loans?

17 A The one that I noticed was when we got our
18 statements, like every month or so, they had a number on
19 the top that was not the actual number that I owed. It
20 was on the fine print, very small, at the bottom. It was
21 more misleading, and it was brought to my attention,
22 yeah --

23 Q So --

24 I'm sorry. I didn't mean to interrupt you.

25 Please go ahead.

1 A No, that's okay.

2 Q So what was misleading in any information that
3 was provided to you?

4 A I'm not actually sure, just -- I don't know.

5 Q Okay. Did Navient ever misallocate any payments
6 to interest instead of principal on your accounts?

7 A I don't know.

8 Q Did Navient ever allocate monthly payments to
9 loans with lower interest rates rather than to those with
10 higher interest rates?

11 A I'm not sure.

12 Q Did Navient ever charge inflated minimum interest
13 payments to you?

14 A I don't know.

15 Q Did Navient ever misapply capitalized interest on
16 your loans?

17 A I don't know.

18 Q Do you have the view that Navient's repayment
19 system and customer service is designed to impede the
20 discovery of errors and repayment?

21 A I don't know.

22 Q Did Navient conceal any information regarding
23 your loans?

24 A I don't know.

25 Q Did Navient issue monthly statements that were

1 misleading?

2 A I'm not sure.

3 Q Are you aware of any loyalty program with
4 Navient?

5 A No, I am not.

6 Q What is the officer -- strike that.
7 What is the Office of Customer Advocate at
8 Navient?

9 A I don't know what that is.

10 Q Has Navient ever made any misrepresentation to
11 you?

12 A I don't know.

13 MS. SIMONETTI: We're going to mark as next --
14 this is plaintiffs' document production and it's labeled
15 Plaintiffs 01932 to 2058. This is also pretty large.
16 It'll take a minute.

17 (Whereupon Exhibit No. 2 was marked for identification
18 and is attached hereto)

19 MS. SIMONETTI: It's loading. It's just slow.
20 It's a few hundred pages.

21 MR. VAN SPLINTER: May we take a two-minute
22 coffee break just while this is loading, Lisa?

23 MS. SIMONETTI: That's fine.

24 MR. VAN SPLINTER: Thank you.

25 (Recess from 7:36 to 7:40 a.m. PST)

1 to your loans?

2 A I'm not really sure. I don't know.

3 Q How did you first become aware that you might
4 have legal claims?

5 A I was talking to a friend who had similar, I
6 guess, issues with Navient, and we talked it over, and I
7 would refer to my current lawyer regarding my issues that
8 I may have.

9 Could you hear me?

10 Q I did. Are you done?

11 A Yes.

12 Q What's your friend's name?

13 A Sorry?

14 Q What's your friend's name that you spoke with?

15 A Oh, sorry. So my friend's name is
16 (unintelligible).

17 Q You just froze. We can't hear you.

18 MR. VAN SPLINTER: You're trailing off. If you
19 have more to say, say it loud so the court reporter can
20 hear you. If you don't, stop. You can't trail because it
21 won't get reflected on the record.

22 THE WITNESS: Sorry. Okay.

23 Her name is Dr. Michelle Robalino. She's a
24 colleague.

25 BY MS. SIMONETTI:

1 Q How do you spell her last name?

2 A Spell her last name?

3 Q How do you spell her last name?

4 A R-O-B-A-L-I-N-O. She has a hyphenated last name,
5 dash, I don't know how to say or pronounce her second
6 name. I'm sorry.

7 Q And she works with you at your current job?

8 A No, a previous job. She was a colleague. She
9 didn't work for Encore, but she worked as a physiatrist
10 where I was a physical therapist.

11 Q She's a podiatrist?

12 A Physiatrist, I'm sorry.

13 Q Physiatrist. And what company was she working
14 for?

15 A I'm not sure what the name of her company was.

16 Q Okay. What issues were you discussing with her
17 regarding loans that you thought were similar to hers?

18 A She had a -- she was just telling me about her
19 situation a long time ago, she had issues with them. And
20 then I brought my -- I guess I -- sorry. Hold on. Let me
21 form my words.

22 So I learned by Michelle that she had some issues
23 with Navient. And I told her I have Navient as well, and
24 she wanted to see if we had the same issues. And after
25 that, we -- we were referred to my current lawyer --

1 MR. VAN SPLINTER: She doesn't want to know
2 anything about our conversations.

3 THE WITNESS: Right, right, no. That's the
4 extent of that.

5 BY MS. SIMONETTI:

6 Q Okay. So I'm just trying to understand: The
7 issues with the loans, what were they?

8 A That, I'm not sure. I didn't understand the
9 specifics at the time.

10 Q Okay. So then just in your words, just because
11 I'm trying to understand, explain what the issue is with
12 your loans.

13 A To my knowledge, I was -- hold on. Let me
14 rephrase.

15 I believe I was defrauded. I just don't know
16 how.

17 Q Okay. And on what basis do you believe you've
18 been defrauded?

19 A I'm not sure. I don't know.

20 Q How were you referred to your counsel through
21 these discussions with -- we'll just call her Dr. Michelle
22 for right now?

23 A Her husband is also a lawyer who was also, I
24 guess, fighting this case on their behalf, a different
25 case. I don't know. But the husband's name is Malik

1 Sengabi (phonetic spelling), I think. I don't know how to
2 spell his name. I'm sorry.

3 Q Okay. So what role would Mr. Sengabi play in
4 your becoming connected to your counsel?

5 A He helped review the paperwork I gave to
6 Michelle, and then they referred me -- after that -- I
7 think they were -- they worked together before. They
8 were, I guess, colleagues as well, and that's how they
9 referred me to them.

10 Q So in that sentence you just said "they" worked
11 together for -- who's "they"?

12 A Mr. Sengabi and my counsel.

13 Q Did Mr. Sengabi ever represent you?

14 A No, not to my knowledge, I think. I don't know.
15 No.

16 Q So explain why you believe you are a suitable
17 class representative to this case?

18 A I do not know how to answer that.

19 Q Explain to me why you believe that your counsel
20 are suitable to represent a class in this case?

21 MR. VAN SPLINTER: I'm going to object to that
22 question.

23 You can answer it.

24 THE WITNESS: I can answer it? Okay.

25 I don't know.

1 BY MS. SIMONETTI:

2 Q Did you do any research about the firm?

3 A I did not.

4 Q Has the firm handled any other class action
5 cases?

6 A For me?

7 Q For anyone.

8 A I'm sorry?

9 Q For anyone.

10 A I don't know.

11 Q Did you just say, "I don't know"?

12 A I said I don't know.

13 Q Do you expect to receive some type of benefit,
14 financial benefit, for serving as the class
15 representative?

16 A I believe there may be something like that, but
17 I'm not sure of any specifics about that.

18 Q Do you have any belief of what you should recover
19 in this action on any claim?

20 A I don't know.

21 Q How much time have you spent on this case so far?

22 A Me?

23 Q Yeah, you, uh-huh.

24 A I don't know what you're asking in terms of,
25 like, hours, days, or months.

1 Q However you can quantify it.

2 A On and off for the last couple of years since
3 this whole thing started. Yeah, I don't know. I'm sorry.

4 Q Can you give me an estimate?

5 MS. SIMONETTI: I'm sorry, we're going to have
6 some barking. It's going to be a little while of barking,
7 sorry.

8 THE WITNESS: Are you still waiting for an
9 answer?

10 BY MS. SIMONETTI:

11 Q Yup. We're waiting.

12 A I'm sorry. What was the question?

13 Q The question was: How much time have you spent
14 on this case so far?

15 A Oh, sorry. I really don't know how much time I
16 spent on it. I don't know.

17 Q Have you been keeping track of your time in any
18 way?

19 A I have not.

20 Q Aside from your current lawyers, have you ever
21 retained a lawyer before?

22 A Only once. It was when I was in the market to
23 buy a property, a house. I had, like, a real estate
24 lawyer. But that was the only other time I ever had a
25 lawyer.

1 Q Right, in certain states you need that; right?

2 A Right. I'm in New Jersey.

3 Q Please describe to me how your claims are similar
4 claims that might be held by any other borrower serviced
5 by Navient?

6 A Can you rephrase your question?

7 Q Describe to me how your claims in this lawsuit
8 are similar to claims that any other borrower of Navient
9 might have.

10 A I don't know, sorry.

11 Q Have you talked with anyone aside from your
12 friend Michelle about possible claims or issues with
13 Navient servicing student loans?

14 A (Unintelligible.)

15 THE COURT REPORTER: Did you say "no"?

16 MS. SIMONETTI: I didn't hear anything.

17 THE WITNESS: Oh, I said no.

18 BY MS. SIMONETTI:

19 Q Have you spoken with any other plaintiffs in this
20 case?

21 A Not individually, no.

22 Q Have you spoken to them in any other form?

23 A I have not -- wait. I have once. We were in,
24 like, a group meeting, I guess you could say, with our
25 counsel.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BRIAN MANETTA, SERGIO)
PEREIRA, ESTHER)
SYGAL-PEREIRA, MATTHEW)
MARKOSIAN, NAIMISH BAXI,)
HARVEY MINANO, SYDNEY PECK,)
MAHMUD IBRAHIM, and GEORGE) Case No.
AMORES, individually and on) 2:20-cv-07712-SDW-LDW
behalf of all others)
similarly situated,)
)
Plaintiffs,)
)
v.)
)
NAVIENT CORPORATION, NAVIENT)
SOLUTIONS, LLC f/k/a NAVIENT)
SOLUTIONS, INC. f/k/a SALLIE)
MAE, INC., and SLM)
CORPORATION,)
)
Defendants.)
_____)

REMOTE DEPOSITION OF SYDNEY PECK

MAY 17, 2022

Reported By: Amy E. Simmons, CSR, RPR, CRR, CRC

Page 1

1 Q. So you've taken cases to trial?

2 A. Yes.

3 Q. So I think a little while ago you
4 mentioned that the theory of the case, as you
5 understand it, is a fraud. I think you mentioned
6 that earlier.

7 A. Yeah.

8 Q. Can you explain to me what is your belief
9 with respect to fraud that you believe was
10 committed by Navient Solutions?

11 A. So I would say that I can't tell you
12 exactly which item is the fraud, right? I can't
13 tell you in the complaint what exactly amounts to
14 fraud. But I can tell you that some of the
15 allegations are kind of misapplying payments.

16 And I'll give you an example. For
17 instance, I know that payments are supposed to be
18 a certain amount to principal and a certain amount
19 to interest. However, there are times when it's a
20 little bit more to interest than the other
21 payments are.

22 So, like, for month-to-month, it's a
23 different amount that goes to interest versus
24 principal, but, like, months that are sequential.
25 And I understand that that causes Navient to

1 essentially make a little bit more money at my
2 expense, right, because whatever is not paid on
3 principal, if I have a higher principal, I pay
4 longer and more.

5 But that's as far as I can really delve
6 into the details. As you might imagine, I chose
7 to be a lawyer rather than something math
8 related.

9 Q. What information do you base the belief
10 upon that there was fraud committed by Navient
11 Solutions?

12 A. Oh, you know, I was -- over the years my
13 student loans have caused quite a bit of anxiety
14 for me. And I had had, you know, my aunt take a
15 look and a good friend of mine take a look to say,
16 "Am I missing something?"

17 I don't understand how over time I'm not
18 going down at the rate that I thought I would. I
19 get that that -- I mean, that makes sense. I know
20 that -- I know there's interest. I know that it
21 takes longer -- it takes a long time to pay off
22 your loans. I understand that.

23 But I do know that upon closer
24 inspection, that there were times in my -- once I
25 found someone that was willing to kind of look and

1 walk me through things without overwhelming me
2 with the details, I know that there were some
3 inconsistencies in how things were paid -- were
4 applied in my account.

5 Q. Who assisted you with that?

6 A. So I went to law school with one of my
7 good friends. His name is Maulik. And when we
8 first graduated law school, he went a different
9 route than I went. He went private. I went into
10 the public sector.

11 And so my friends were kind of checking
12 on me, "Are you okay?" You know, "How are things
13 going?"

14 And I said, "Things are kind of tough for
15 me." And I said, "I have to figure out if it's
16 worth me consolidating, doing all of these
17 different things."

18 And over time I've stayed in touch with
19 this friend who I think had a much better handle
20 on interest rates, et cetera. I know that, like,
21 when we were in law school we talked about
22 investments and my eyes went blank. And he knew
23 the key phrases for investments. So he's someone
24 I talked to quite a bit, and he's someone that I
25 know -- that I reached out to.

1 entity or company reviews that type of
2 application?

3 A. The government.

4 Q. Would that be the Department of
5 Education?

6 A. I would imagine, but I'm not totally
7 sure. I don't remember. I'm sure that at some
8 point I have either an email or some sort of
9 receipt that I sent these things over, but I don't
10 remember if it was the Department of Education.

11 Q. Do you have an understanding of what
12 role, if any, the Department of Education has in
13 setting any requirements or obligations on your
14 federal student loans?

15 A. No, I don't know the ins and outs of
16 that.

17 Q. Okay. When did you first talk with
18 Mr. Sanghavi about your student loans?

19 A. 2008, probably.

20 Q. And I'm sorry, how do you know him?

21 A. We were in the same section in law
22 school. We were pretty close friends, remain
23 close friends.

24 Q. How does Mr. Sanghavi know your current
25 lawyers?

1 A. He introduced me, I think. I believe he
2 worked with a few of them at a previous law firm.

3 Q. So when you sat down with Mr. Sanghavi in
4 2008, what information did you review with him?

5 A. Oh, 2008 was more just talking about how
6 screwed I felt with the amount -- like how
7 daunting it felt to have student loans.

8 Over the years I talked to him quite a
9 few times, over a dozen times, probably, about the
10 state of my loans, things like, "Oh, once I
11 finally pay them off maybe you can talk to me
12 about investment because I eventually will need to
13 retire."

14 And, you know, so the student loan topic
15 would come up. And like, "How are things going
16 with you?" In other -- in the midst of other
17 conversations, like, just simply, "Hey, why don't
18 you think about looking in the private sector?
19 You'll be able to pay things off faster."

20 And I said, "Hell, no. I'm not willing
21 to do that."

22 Just like friend conversations, but also,
23 like, he was my only friend that wasn't terrified
24 by percentage rates.

25 Q. Okay. I think you mentioned earlier that

1 you did at some point sit down and review
2 something with him; is that right?

3 A. Yes. So when I got rejected, the first
4 thing that happened was when I got rejected from
5 the ten-year student loan repayment, we chatted
6 about it.

7 I, like, read off to him what my balances
8 were, and I think, you know, he was like, "Oh,
9 that" -- we talked very -- like, it was a cursory
10 conversation.

11 And then later he -- I spoke to him again
12 about, like -- my office, a bunch of us were
13 denied, people who graduated the same year as I
14 did, which is before everyone is gearing things
15 towards a repayment. A bunch of us sat down and
16 said, "What are we going to do about this? Should
17 we challenge it? How are we going to challenge
18 it?"

19 And he was always the friend I spoke to
20 about it, like, "Hey, what do you think about
21 that?"

22 And I can't remember when it was, but
23 when I talked about refinancing, "I'm pregnant.
24 I'm going to refinance. What do you think? Where
25 should I go?" my aunt was the one who told me

1 SoFi. So once I looked at everything, I went with
2 her recommendation.

3 But I asked him, "What do you think?
4 What are places that I should look into? Do I
5 call a bank? Who do I call?"

6 And then later when I refinanced and I
7 was talking to him about, like, "Man, I really
8 think I should have -- I wish I was paid off," we
9 talked more.

10 And then I think at that point he's like,
11 "Well, what's going on with your loans? Like
12 what's still left?"

13 And I don't remember exactly what I
14 showed him. I don't know if I showed him -- if I
15 showed him physically or just read things to him
16 physically, read things to him of, like, what I
17 owed and what my payments were, et cetera.

18 And I don't remember where it went from
19 that other than "You should talk to these
20 attorneys."

21 Q. Okay. And when approximately were you
22 having these conversations and you were referred
23 to counsel?

24 A. I don't remember. It was after -- I
25 believe it was during the pandemic because I

1 remember chatting with him at a desk that I didn't
2 have before the pandemic in my room.

3 Q. So this case was filed in June of 2020.
4 Does that help you recall?

5 A. So probably before that. So maybe I
6 first spoke to him -- honestly, it's around the
7 pandemic, the inception of the pandemic, but I
8 don't remember exactly when I spoke to him. I
9 just remember having a conversation with him while
10 I was sitting at my new desk.

11 Q. Okay. And what did Mr. Sanghavi identify
12 for you that supposedly was wrong with
13 the servicing?

14 A. He didn't give me exact details, but he
15 said that I should have, you know, an attorney
16 look at it, perhaps an attorney that would be able
17 to retain someone, some sort of forensic
18 accountant or some expert that would be able to
19 look at it. I may be using the wrong term.

20 And I don't remember exactly what he
21 pointed out to me, but he did say, "Oh, there's
22 some weird things here."

23 And honestly, I don't remember the words
24 that he used, so I apologize.

25 Q. When was the last time you discussed your

1 loans with Mr. Sanghavi?

2 A. I think recently I mentioned to him I'm
3 going to reapply to the loan forgiveness program.
4 I think recently we were chatting about some
5 political thing and I mentioned, "Oh, yeah, Biden
6 signed this, so I may have a window until October
7 of this year to apply for the loan forgiveness
8 again."

9 Q. Okay. So with respect to your claims,
10 what misrepresentation did Navient Solutions make
11 to you?

12 A. So I'm not exactly sure. That's why I
13 relied on counsel and their forensic -- I keep
14 saying "forensic." It might be the wrong word.

15 Q. It's okay.

16 A. Their expert.

17 Q. So aside from whatever has been
18 communicated to you by counsel, do you have any
19 information that would suggest to you that there
20 has been a misrepresentation by Navient Solutions?

21 A. Just a feeling that things don't look
22 right on my -- just a feeling that they don't look
23 right. Again, if I knew exactly what it was, I
24 think I would have addressed it a lot sooner. But
25 I don't, because I'm really -- that's not my area,

1 right? I specifically chose to be a public
2 defender so no one would ever have to pay me
3 money. Like no client, ever. I never have to
4 deal with that.

5 And so it's not my area, and it does give
6 me quite a bit of anxiety. So I can't tell you
7 exactly other than it's a nagging thing that I've
8 been dealing with since 2007.

9 And I was really thankful that I was
10 referred to them so somebody could take a look and
11 tell me if I was right or wrong that something was
12 wrong.

13 Q. Has Navient Solutions failed to provide
14 you with information that's material to your
15 knowledge? Has Navient Solutions made an
16 omission?

17 A. So I'm not sure because I don't know what
18 I should have been told versus what I was told,
19 what information I was able to obtain. I don't
20 know.

21 Q. So I think you told me earlier that
22 Mr. Sanghavi identified for you that there were
23 differences in the allocations of interest and
24 principal across months; is that right?

25 A. Yes. And I apologize. That does bring

1 something up. So about 2008, I made a call to
2 what we'll call Navient, and tried to inquire how
3 I could indicate that I wanted money to go -- if
4 I'm overpaying, how I can pay on the principal
5 versus the interest? And I really was not able to
6 get a good answer.

7 I remember that I tried -- I don't know
8 how many times -- to make a higher payment because
9 I wanted to attack, like, once a year, the
10 principal if I had any extra money saved or
11 anything like that. And I wasn't able to kind of
12 discern how I could pay down the principal and
13 which loan -- how I could determine what loan I
14 wanted it applied to.

15 And that's where I hit a roadblock and
16 felt really frustrated and kind of overwhelmed. I
17 think that was the turning point for me, because
18 while I am very clearly not an expert on this
19 area, as you can hear by my answers, I will tell
20 you the one thing I understand is you want to pay
21 your principal off first.

22 And that's something that I tried to do
23 early on, and I did not -- I was not able to get,
24 like, direct information as to how to pay
25 principal off on the higher -- specifically on any

1 loan, let alone the ones that had a higher
2 percentage rate. Because I know I had different
3 percentage rates through what is now Navient.

4 Q. Okay. What's capitalized interest?

5 A. I believe it's interest that's added to
6 principal. I don't know why or how, but I believe
7 it makes your principal go up.

8 Q. Has capitalized interest ever been
9 applied to your loans?

10 A. I don't know.

11 Q. Did Mr. Sanghavi identify any alleged
12 issues with capitalized interest applied to your
13 loans?

14 A. I have no idea if he saw that, but he did
15 not express that to me.

16 MS. SIMONETTI: Why don't we take a
17 five-minute break? Is that okay? I'm going to
18 have someone look for something.

19 MR. TRIPODI: Okay.

20 THE WITNESS: That's fine for me.

21 MS. SIMONETTI: Okay. Five, ten minutes.
22 Thank you.

23 (Break taken from 11:21 a.m. to 11:36 a.m.)

24 Q. (BY MS. SIMONETTI) So, Ms. Peck, did
25 Mr. Sanghavi express a belief to you that errors

1 had been made in the servicing of his loans as
2 well?

3 A. I think he mentioned that.

4 Q. Were those errors of the same sort that
5 he identified on your loans?

6 A. He did not specify that.

7 Q. Did he ever contact Navient Solutions, to
8 your knowledge, to discuss any issues with his
9 loans?

10 A. No idea.

11 Q. Did you ever ask him?

12 A. No.

13 Q. Did you contact Navient Solutions to
14 discuss any issues that he had identified on your
15 loans?

16 A. No.

17 Q. Why not?

18 A. He didn't give me -- I didn't feel it was
19 appropriate to call them until I had a better idea
20 of what was going on with my loans because I'm not
21 really able to articulate what's going on with
22 them very well. And I felt like it wouldn't do
23 anything until I had a better idea with a more
24 trained eye.

25 Q. So just to make sure I understand, you

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW JERSEY

3 BRIAN MANETTA, SERGIO PEREIRA,

4 ESTHER SYGAL-PEREIRA, MATTHEW

5 MARKOSIAN, NAIMISH BAXI,

6 HARVEY MINANO, SYDNEY PECK,

7 MAHMUD IBRAHIM, and GEORGE

8 AMORES, individually and on

9 behalf of all others similarly

10 situated

11 Plaintiffs,

12 v.

CIVIL ACTION NO:

13 NAVIENT CORPORATION, NAVIENT

2:20-cv-07712-SDW-LDW

14 SOLUTIONS, LLC f/k/a NAVIENT

15 SOLUTIONS, INC. f/k/a SALLIE MAE,

16 INC., and SLM CORPORATION,

17 Defendants.

18 _____/

19
20 The deposition of SERGIO PEREIRA was held
21 via Veritext Zoom on Wednesday, May 11, 2022,
22 commencing at 8:21 a.m. PDT before Esther Levi, Notary
23 Public.
24

25 REPORTED BY: Esther Levi

Page 1

1 Q. Did you read any particular provision?

2 A. I can't tell you what part I've read. No, I
3 cannot. I may -- once again, I may have glanced
4 through it, but I have not -- I can't tell you exactly
5 what part of -- --

6 Q. So when did you first suspect that you had
7 any claim relating to your student loan?

8 A. This event occurred through speaking with
9 friends. They -- they -- pardon me. I have a friend
10 that went to medical school with. She was actually
11 speaking with my wife in regards to -- we were all
12 together actually -- speaking about loans and payments.

13 And it came to surface that they had noticed
14 through her husband that there were some irregularities
15 that are taking place on their repayments of their
16 bills.

17 And because we were very much in the same
18 type of -- you know, we went to school the same time,
19 we had very similar loans, there was a question whether
20 or not this may have affected us as well.

21 Q. What's the name of the friend that you spoke
22 with?

23 A. Michelle Robalino Singhavi. Pardon me.

24 Q. And what's her husband's name?

25 A. Molik Singhavi.

1 Q. So what irregularities did they identify to
2 you with respect to their student loan?

3 A. To -- essentially payments were not going
4 appropriately where they needed to go.

5 Q. What does that mean?

6 A. At that time I wasn't quite sure. But
7 essentially they were saying that you're making
8 payments and they were not being distributed as they
9 should. That was the general consensus at that time.

10 Q. From their perspective how were the payments
11 being distributed?

12 A. I can't tell you exactly. I don't have that
13 recollection.

14 Q. From their perspective how were they meant
15 to be distributed?

16 A. Once again, the overall gist of it is I
17 don't know exactly how they meant it to be distributed.
18 I can't speak for them.

19 Q. So can you tell me at this point anything
20 about how Navient Solutions misallocated payments on
21 your student loan?

22 A. As I know of now?

23 Q. Yes.

24 A. Okay.

25 So from my understanding, one of the things

1 So I'm asking what information have you
2 reviewed that would support the belief that you just
3 told me?

4 A. I've looked through the complaint.

5 Q. Is that it?

6 A. I've looked through the complaint. And,
7 once again, I glanced through some of those promissory
8 notes. But realistically I did not -- I personally did
9 not find those variances.

10 Q. We talked earlier about the number of loans
11 that you -- strike that.

12 Have you paid off any of --

13 A. I'm sorry.

14 Q. -- your student loans? It's okay.

15 Have you paid off any of your student loans?

16 A. I'm not sure. When you have so many, it's
17 difficult to keep track.

18 Q. Do you know why you have so many separate
19 loans?

20 A. They were needed -- they were -- I think
21 essentially they were used per semester to cover -- the
22 loans would cover a small percent of time. And I
23 needed -- because you're in medical school, you can't
24 really sustain a job. They were used both for school
25 purposes as well as living expenses.

1 Exhibit -- I'm sorry. Esther, can you help me? Is it
2 4?

3 THE COURT REPORTER: I think it's just 3.

4 MS. SIMONETTI: Okay. Well, that's 3 then.

5 (Pereira Deposition Exhibit 3 was marked for
6 purposes of identification.)

7 Q. Okay.

8 Mr. Pereira, have you seen this before?

9 A. I have.

10 Q. And you reviewed this in connection with
11 your deposition preparation. I think you told me that.

12 Did you review this in a draft before it was
13 filed?

14 A. I have.

15 Q. Did you make any changes to the draft?

16 A. I don't think so.

17 Q. Have you described for me the claims that
18 you are asserting in this action?

19 A. The claims that -- that I'm personally
20 asserting or the action is asserting?

21 Q. That you personally are asserting.

22 A. I'm asserting that through processes of
23 Navient I was -- there are fraudulent actions that took
24 place that were directly affecting my payment to the
25 length of my loans.

1 Q. Okay.

2 Just to make sure that we're clear. Tell me
3 what went on with respect to your loans and your
4 payments as compared to what other -- -- have alleged
5 in the complaint.

6 A. I would have to -- I refer to the lawyers
7 who utilize specialists or experts to review the
8 specific details of my specific loans. I don't have
9 specific details of how I was affected.

10 There are some examples that are listed here
11 that show some of the manners in which it affected me,
12 but those examples are not a full encompassing list of
13 everything that was done.

14 Q. As you sit here today, can you identify any
15 harm that you have suffered from Navient Solutions
16 servicing of your loan?

17 A. Yes. There is extended -- there is
18 overpaying of the interest opposed to moneys going
19 towards the principal. There was inappropriate
20 capitalization of the loan. There was misassignment of
21 moneys that were sent from one loan as opposed to
22 others which resulted in those delinquent or late
23 payments.

24 That's what I think at the top of my head
25 right now. I can look through this and see what other

1 things there may have been that was mentioned. But,
2 once again, this is not a fully inclusive list.

3 Q. Can you identify any point in time where you
4 overpaid interest on your student loans?

5 A. I cannot.

6 Q. Can you identify any point in time where
7 there was improper capitalization of interest on your
8 loan?

9 A. There seems -- once again, I cannot. But
10 the complaint does list specific sites in which there
11 was capitalization errors.

12 Q. What is capitalization?

13 A. Capitalization is when the moneys of the
14 principal plus the interest are put together and that
15 becomes the ongoing principal from that point forward.

16 Q. Can you explain a little more what you mean
17 by misassignment of moneys that resulted in
18 delinquencies?

19 A. It seems as though -- it seems that payments
20 were made that would cover my minimum, my balances,
21 however, instead of being equally distributed or to all
22 of the -- to cover all of the loans, there was
23 increased loans -- there was an increase of payments
24 made to certain particular loans where other loans were
25 left delinquent.

1 amount of \$2,036.89.

2 You see that?

3 A. I do.

4 Q. The next line states the original principal.

5 What does that mean?

6 A. I don't know. I think it means that was the
7 initial amount that was taken out as a loan.

8 Q. All right.

9 The next line down says capitalized
10 interest. And that's the amount of \$2,570.21.

11 Do you see that?

12 A. I do.

13 Q. Based on this statement or your
14 understanding of your loan in 2017, is there anything
15 wrong with the amount of capitalized interest stated
16 there?

17 A. I wouldn't be able to tell you.

18 Q. What would you look at to try to determine
19 that?

20 A. In all honesty, I, you know, I would not
21 have looked at these and trying to make specific
22 assessment as to if everything is being done correctly
23 or not. I would expect it would have been, but I would
24 not looking -- I would not particularly be looking for
25 mistakes.

1 A. Which paragraph would you like me?

2 Q. 132. I'm sorry. 131 and 132.

3 A. Okay. I'm there.

4 Q. Okay.

5 So let's start with 131.

6 A. Yes, ma'am.

7 Q. Okay.

8 So it says Plaintiff Pereira's 1-03 Stafford
9 Unsubsidized loan and 1-05 Global Health
10 Stafford loan were both capitalized on both September
11 24, 2010 and October 3, 2010.

12 So in this allegation is it your view that
13 the capitalization on both loans was improper?

14 A. I did not know when the loans were supposed
15 to be capitalized. I know they were supposed to be at
16 specific well defined times. And this is an assessment
17 by the, you know, the experts that looked at our loans.

18 Q. When are the well defined times that
19 capitalization should be applied?

20 A. I don't know the specific timetable.

21 Q. Have you ever read a disclosure or any type
22 of correspondence from Navient Solutions that describes
23 capitalized interest?

24 A. I'm sure I have at some point.

25 Q. Do you have any understanding of when

1 capitalized interest will be applied to your loan based
2 on anything you've ever read?

3 A. With specific timetables, I don't know. I
4 -- not specifically. I don't know.

5 Q. Do you have a general understanding? Any
6 understanding?

7 A. There's what I think, but it's not what I
8 know. So I don't have any specific knowledge of
9 specific times -- --

10 Q. And as you sit here today, have you
11 explained to me why any of the capitalizations as
12 discussed in Paragraph 131 and 132 could possibly be
13 wrong?

14 A. I cannot. It seems -- it would seem as
15 though the capitalization times are very close in time.
16 But outside of that, I cannot tell you why they're
17 wrong.

18 Q. On your loans did Navient Solutions allocate
19 monthly payments to loans with lower interest rates
20 rather than higher interest rates?

21 A. I believe that's one of the claims, yes.

22 Q. Upon what do you base your belief that
23 Navient Solutions did that?

24 A. Discussions with the lawyers.

25 Q. Okay.

1 And just to be clear, you can say that you
2 had discussions with the lawyers, but I'm not asking
3 you for the content of those conversations at any point
4 in time.

5 You understand that?

6 Because those conversations are privileged.

7 A. Yes, ma'am.

8 Q. So that's just as far as -- I mean you're
9 doing fine, but I just want to make sure there's no
10 mistake.

11 A. Okay.

12 Q. Okay.

13 Did Navient Solutions charge artificially
14 inflated minimum interest payments on your loan?

15 A. Once again, so I have the information basis
16 to what has been found when reviewing my records.

17 Q. And that's by the lawyers and experts?

18 A. Yes, ma'am.

19 Q. Is Navient Solutions' repayment system
20 designed to delay repayment?

21 A. I can't tell you that.

22 Q. Is Navient Solutions' repayment system
23 designed to appease the discovery of errors?

24 A. I can't tell you that. I don't have that
25 specific knowledge.

1 Q. Has Navient Solutions concealed any
2 information from you regarding your student loan?

3 A. Not that I know.

4 Q. We just looked at a form of account
5 statement. Did you find anything in that document or a
6 similar account statement to be misleading?

7 A. It seems -- I'm not a financial person or I
8 don't have -- my -- my understanding of finances are
9 very limited. So without an appropriate background, I
10 couldn't tell you exactly what I'm looking at. At face
11 value the information is there, but I would not know
12 exactly what to look for.

13 Q. So is it your belief that only a person with
14 a financial background or financial expertise can
15 understand the monthly account statement?

16 A. I think they're -- -- at understanding, you
17 know, exactly if there are more things that should be
18 looked at as opposed to just at plain value. You know,
19 I look at information that's written there and I accept
20 it to -- I accept it to be true and expect it to be all
21 that I need to know.

22 Q. Okay.

23 And so what additional things or more things
24 would have to be looked at?

25 A. I'm not sure. Pardon me.

1 Q. Does Navient Solutions have a royalty
2 program?

3 A. Is that the You Promise program.

4 Q. I'm asking you.

5 A. I don't know.

6 Q. Did you ever enroll in You Promise?

7 A. I did. I had a credit card from You
8 Promise.

9 Q. Did you use it?

10 A. Occasionally.

11 Q. Do you have any complaints about the You
12 Promise credit card?

13 A. No.

14 Q. What is Navient Solutions' Office of
15 Customer Advocate?

16 A. I don't know.

17 Q. Has Navient Solutions made any
18 misrepresentations to you about your student loan?

19 A. I don't specifically know.

20 MS. SIMONETTI: Let's go off the record for
21 a second.

22 (Discussion off the record.)

23 (A break was taken.)

24 Q. Okay.

25 Mr. Pereira, during the lunch break, I did

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BRIAN MANETTA, SERGIO)
PEREIRA, ESTHER)
SYGAL-PEREIRA, MATTHEW)
MARKOSIAN, NAIMISH BAXI,)
HARVEY MINANO, SYDNEY PECK,) Civil Action No.
MAHMUD IBRAHIM, and GEORGE) 2:20-cv-07712-SDW-
AMORES, individually and on) LDW
behalf of all others)
similarly situated,)
Plaintiffs,)
vs.)
NAVIENT CORPORATION,)
NAVIENT SOLUTIONS, LLC,)
f/k/a NAVIENT SOLUTIONS,)
INC., f/k/a SALLIE MAE,)
INC., and SLM CORPORATION,)
Defendants.)

VOLUME I
VIDEOCONFERENCE DEPOSITION OF
MAULIK SANGHAVI
Taken in behalf of Defendants

* * *

September 12, 2022

Cranford, New Jersey

Teresa L. Dunn, CSR, CCR, RPR

Court Reporter

1 come from, and they all say that it's you.

2 So, you know, I don't think that because
3 you are pro se like there's no protection for
4 you for work product, but I'm not litigating
5 your case. I'm litigating this case.

6 So I think you are going to have to
7 answer these questions in this case and, you
8 know, Stradley will handle your case. I know
9 Eric, I know Ben. They're doing their jobs I'm
10 sure.

11 So do you want to think about this for a
12 minute and take a break?

13 A. No, I'm not answering those specific
14 questions based on attorney-client privilege,
15 spousal privilege, work product.

16 Q. So let's try this, has a consultant
17 reviewed any of your records and concluded that
18 there were improper charges of capitalized
19 interest?

20 A. Yes.

21 Q. Is that before you filed the complaint?

22 A. No. My complaint?

23 Q. Yes.

24 A. No.

25 Q. In what time frame did --

1 A. In the time frame in between -- in
2 discovery -- during discovery which we're still
3 in.

4 Q. Do you currently have a discovery
5 cut-off in your case?

6 A. No.

7 Q. Do you have an operative scheduling
8 order?

9 A. The last one was -- it's public record.
10 It's been a while.

11 Q. Aside from capitalized interest what do
12 you think Navient Solutions has done wrong in
13 servicing your complaint?

14 A. I think it's outlined in the complaint.
15 I'm not going to testify beyond that.

16 Q. So it would be true that your beliefs
17 and allegations are confined by that complaint?

18 A. No. We're in discovery. It's still an
19 open-ended question.

20 Q. I don't think you can have it both ways.

21 A. I think you can. The complaint
22 identified the initial issues that we have
23 sought. We have pled them with particularity.
24 We're in ongoing discovery.

25 Navient has been slow to produce their

1 make sure that they're the same payments that
2 are reflected on this statement. I mean, that's
3 a start.

4 Q. When you look at your own Account
5 History are you able to identify allegedly
6 improper transactions?

7 A. As I've stated, yes, I think as part of
8 our complaint and as discovery is ongoing, yes.

9 Q. Forgive me if you already said this, but
10 did the consultant review your transaction
11 history before you filed the complaint?

12 A. No. I don't recall, but, no, I don't
13 think so. My consultant, correct? In our case,
14 no, I don't recall.

15 Q. Is that no or you don't recall?

16 A. I don't specifically recall if it was
17 before the complaint.

18 Q. So you identified the transactions that
19 are specified in the complaint?

20 A. In my complaint, yes.

21 Q. Yes.

22 A. Yes.

23 Q. Where are you currently employed?

24 A. For a large utility. I'm in the real
25 estate department in New Jersey.

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW JERSEY

3 -----
4 Brian Manetta, Sergio Pereira, Esther Sygal-Pereira,
5 Matthew Markosian, Naimish Baxi, Harvey Minano, Sydney
6 Peck, Mahmud Ibrahim, and George Amores, individually
7 and on behalf of all others similarly situated,

8 Plaintiffs,

9 v.

Civil Action No. 2:20-cv-07712-DSW-LDW

10 Navient Corporation, Navient Solutions, LLC f/k/a
11 Navient Solutions, Inc. f/k/a Sallie Mae, Inc., and SLM
12 Corporation,

13 Defendants.

14 -----
15
16 REMOTE DEPOSITION OF ESTHER SYGAL-PEREIRA
17
18

19 DATE: May 10, 2022

20 TIME: 9:00 a.m. CST

21 PLACE: Veritext Virtual Videoconference
22

23
24 REPORTED BY: KELLEY E. ZILLES, RPR (Via Videoconference)

25 JOB NUMBER: 5186981

Page 1

1 lengthening the amount of time that I would be paying it 09:12:46
2 and increasing the overall balance over time. 09:12:49
3 Q. Upon what do you base your view that this 09:12:53
4 occurred? 09:12:57
5 A. Can you rephrase the question, please. 09:12:59
6 Q. What information leads you to believe that this 09:13:06
7 occurred with your loans? 09:13:10
8 A. Based on reviewing the statements that I have in 09:13:12
9 the past of my online statements and looking them over 09:13:19
10 on the Navient Website. 09:13:24
11 Q. So when was the first time that you looked at a 09:13:27
12 statement and thought that there was something wrong 09:13:46
13 with the application of the payment? 09:13:48
14 A. So back in 2018 a friend of my husband's brought 09:13:50
15 it to attention that there was something going on with 09:13:58
16 their loan payments and that in turn got us to thinking 09:14:04
17 about and looking through ours and then referring us to 09:14:09
18 Xavier and Jim's firm in order to look into this more. 09:14:15
19 Q. What's the name of your husband's friend? 09:14:19
20 A. Michelle Robalino, she went to medical school 09:14:22
21 with him. 09:14:27
22 Q. Is she married? 09:14:28
23 A. Yes, she is. 09:14:35
24 Q. What's her husband's name? 09:14:36
25 A. Maulik Sanghavi. 09:14:45

1 Q. What did Ms. Robalino tell you about the issues 09:14:45
2 they were having with their loans? 09:14:47
3 A. That they were noticing the variances in 09:14:49
4 interest payments and principal payments and the 09:14:55
5 fluctuations. And also making extra payments outside of 09:15:01
6 monthly, the regular monthly payments and seeing that 09:15:07
7 they weren't appropriately placing the money where it 09:15:10
8 should have been to pay off principal, instead paying 09:15:15
9 more on the interest for the principal and not properly 09:15:19
10 allocating the funds. 09:15:24
11 Q. Okay. What would a proper allocation be? 09:15:25
12 A. In my opinion it would be paying the principal 09:15:29
13 and then paying the interest. 09:15:33
14 Q. What do you base that opinion on? 09:15:43
15 A. Based on what's fair. 09:15:48
16 Q. So is it fair to say that is your opinion? 09:15:51
17 A. Yes. 09:16:03
18 Q. Did Ms. Robalino identify any other issues for 09:16:04
19 you with your student loans? 09:16:15
20 A. I believe that was it. 09:16:19
21 Q. When you had this conversation in 2018 did you 09:16:20
22 contact Navient Solutions about the payment allocation? 09:16:26
23 A. No, we did not. 09:16:29
24 Q. Why not? 09:16:31
25 A. We wanted to seek our attorneys' advice around 09:16:32

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1 it first. 09:16:38

2 Q. And how did Ms. Robalino connect you with your 09:16:46

3 attorneys? 09:16:51

4 A. Maulik knows Jim and Xavier. 09:16:52

5 Q. How does he know them? 09:16:58

6 A. He's an attorney as well. 09:17:00

7 Q. What's the nature of his practice? 09:17:04

8 A. For Maulik? 09:17:07

9 Q. Yes. 09:17:09

10 A. I'm not sure, I don't recall. He works with 09:17:10

11 businesses, or a lawyer for businesses. 09:17:19

12 Q. Okay. So let's take a look at Exhibit 1. 09:17:22

13 (Exhibit 1 marked for identification.) 09:17:33

14 A. Okay. I have it in front of me. 09:17:33

15 Q. Okay. Do you see the line at the top that says, 09:17:46

16 "Filed 6/24/20"? 09:17:50

17 A. Yes. 09:17:51

18 Q. Okay. Why did it take approximately two years 09:17:52

19 for you to file this complaint after you had the 09:17:57

20 conversation with Ms. Robalino? 09:18:00

21 A. I don't know why there was a delay in time, all 09:18:02

22 I know is that that's when it was actually filed. 09:18:07

23 Q. So prior to the conversation in 2018 with Ms. 09:18:11

24 Robalino, did you ever look at a statement and think 09:18:19

25 that there was something wrong with the application of a 09:18:22

| | | |
|----|---|----------|
| 1 | approximately? | 09:53:00 |
| 2 | A. 2004. | 09:53:00 |
| 3 | Q. Got it. | 09:53:02 |
| 4 | A. It's now become Premier, Premier acquired | 09:53:07 |
| 5 | Innovatix, so that was back in 2016. | 09:53:11 |
| 6 | Q. Okay. | 09:53:15 |
| 7 | A. So name change there, but still same idea and | 09:53:17 |
| 8 | concept of the company. | 09:53:22 |
| 9 | Q. Okay. What is your understanding of the claims | 09:53:23 |
| 10 | that you're asserting in the lawsuit? | 09:53:58 |
| 11 | A. Can you restate the question, it cut out. | 09:54:00 |
| 12 | Q. I'm sorry. What is your understanding of the | 09:54:03 |
| 13 | claims that you're asserting in this lawsuit? | 09:54:06 |
| 14 | A. My understanding is that the regular monthly | 09:54:08 |
| 15 | payments that I was making, that payments were | 09:54:15 |
| 16 | misallocated towards interest and principal in turn | 09:54:22 |
| 17 | capitalizing on that, on those extra monies that were | 09:54:28 |
| 18 | collected. | 09:54:32 |
| 19 | Q. Did Navient Solutions allocate monthly payments | 09:54:33 |
| 20 | to loans with lower interest rates rather than higher | 09:54:42 |
| 21 | interest rates in your view? | 09:54:46 |
| 22 | A. I am not sure. | 09:54:48 |
| 23 | Q. Did you ever -- I'm sorry, go ahead. | 09:54:49 |
| 24 | A. No, no, no, please finish. | 09:54:49 |
| 25 | Q. I didn't allow you to finish, go ahead. | 09:54:58 |

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| | | |
|---|---|----------|
| 1 | A. What I was going to say is that in my | 09:54:58 |
| 2 | understanding my loans were fixed, so I'm not sure if | 09:55:01 |
| 3 | they were, if there was any variance in my loan | 09:55:07 |
| 4 | interest. | 09:55:10 |

| | | |
|---|---|----------|
| 5 | Q. Okay. Did Navient Solutions ever charge | 09:55:14 |
| 6 | artificially inflated minimum interest payments on your | 09:55:20 |
| 7 | loans? | 09:55:24 |

| | | |
|---|-------------------------|----------|
| 8 | A. Repeat the question. | 09:55:25 |
|---|-------------------------|----------|

| | | |
|----|---|----------|
| 9 | Q. Did Navient Solutions ever charge artificially | 09:55:25 |
| 10 | inflated minimum interest payments on your loans? | 09:55:30 |

| | | |
|----|--|----------|
| 11 | A. I don't know how, I don't know as far as how to | 09:55:34 |
| 12 | answer that question. | 09:55:53 |

| | | |
|----|--|----------|
| 13 | Q. Okay. Do you not understand the question? | 09:55:55 |
|----|--|----------|

| | | |
|----|---|----------|
| 14 | A. I am not understanding the question. | 09:55:57 |
|----|---|----------|

| | | |
|----|---|----------|
| 15 | Q. Okay. Were your loans on auto debit? | 09:56:01 |
|----|---|----------|

| | | |
|----|---|----------|
| 16 | A. In the beginning they were paid via check and | 09:56:16 |
| 17 | then it was changed over to auto debit I believe. | 09:56:20 |

| | | |
|----|--|----------|
| 18 | Q. Okay. Did your monthly payments remain the same | 09:56:25 |
| 19 | throughout the time that you were paying down the loans? | 09:56:36 |

20 | A. Yes. | 09:56:39

| | | |
|----|---|----------|
| 21 | Q. Does the amount of \$130.29 ring a bell? | 09:56:39 |
|----|---|----------|

| | | |
|----|------------------|----------|
| 22 | A. Yes, it does. | 09:56:47 |
|----|------------------|----------|

| | | |
|----|---|----------|
| 23 | Q. That was the monthly payment that you submitted, | 09:56:48 |
| 24 | correct? | 09:56:50 |

| | | |
|----|---------|----------|
| 25 | A. Yes. | 09:56:51 |
|----|---------|----------|

1 Q. Okay. Did Navient Solutions charge you any 09:56:52
2 inflated interest on your student loans? 09:57:01
3 A. Can you restate that. 09:57:04
4 Q. Sure. Aside from what you've already described 09:57:14
5 as a misallocation of payments, did Navient Solutions 09:57:18
6 charge you any inflated interest? 09:57:21
7 A. I don't know. 09:57:23
8 Q. Did Navient Solutions misapply any capitalized 09:57:24
9 interest on your loans? 09:57:32
10 A. I don't know without digging through and 09:57:33
11 reviewing in detail the information. 09:57:42
12 Q. Did you ever try to do that? 09:57:49
13 A. It was based on other's examples that I moved 09:57:51
14 forward with my part of the case based on it affecting 09:57:59
15 others. 09:58:04
16 Q. Okay. And when you say other's examples or 09:58:05
17 affecting others, who are the others? 09:58:08
18 A. The other people in the class action suit and 09:58:10
19 complaint. 09:58:14
20 Q. So aside from conversations with your counsel, 09:58:14
21 how would you know whether other named plaintiffs 09:58:22
22 believe that capitalized interest was misapplied to 09:58:27
23 their accounts? 09:58:33
24 A. By reviewing examples of the other individuals. 09:58:33
25 Q. Okay. What kind of examples did you look at? 09:58:36

1 A. So in the latter part of the document there are 09:58:39
2 some examples of the other individuals. 09:58:42
3 Q. Are you referring to the complaint? 09:58:47
4 A. Yes. 09:58:48
5 Q. Okay. 09:58:49
6 A. I believe on Pages 50 or so it starts, or maybe 09:58:54
7 even earlier than that. 09:59:00
8 THE WITNESS: Jim, I don't know if you 09:59:01
9 recall. 09:59:03
10 Q. He's not testifying, unfortunately. 09:59:03
11 A. Got it. 09:59:06
12 Q. So are you looking at any particular paragraphs 09:59:07
13 in here? 09:59:10
14 A. Let me scroll through. 09:59:10
15 Q. Sure. 09:59:12
16 A. So if you look at page, or Section 99. 09:59:13
17 Q. Okay. 10:00:22
18 A. 25 page number, Plaintiff Manetta. So in there 10:00:23
19 there is an example of misallocation of payments. 10:00:31
20 Q. Okay. So that's Paragraph 99? 10:00:35
21 A. Starting from Paragraph 99, then 100 and 101. 10:00:40
22 Q. So aside from reading these paragraphs, do you 10:01:14
23 have any other examples? 10:01:17
24 A. Outside of this -- 10:01:19
25 Q. Let me just restate. So outside of the 10:01:22

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1 complaint, have you reviewed any documents in support of 10:01:26
2 your belief? 10:01:30
3 A. No. 10:01:30
4 Q. Okay. 10:01:32
5 A. Ms. Simonetti, can I rephrase that? 10:01:45
6 Q. Sure. 10:01:51
7 A. In terms of looking at in the past statements 10:01:51
8 where there's differences in payments to interest and 10:01:55
9 principal broken down, those would be one example in 10:01:57
10 terms of from my case of where there is, why there is 10:02:02
11 variances and just not understanding that information. 10:02:07
12 Q. Okay. Is Navient Solutions' repayment system 10:02:10
13 and customer service designed to delay repayment? 10:02:17
14 A. Designed to delay repayment. I don't know. 10:02:22
15 Q. Is Navient Solutions' repayment system and 10:02:39
16 customer service designed to impede discovery of errors? 10:02:43
17 A. I don't know. 10:02:47
18 Q. Do you believe that Navient Solutions has 10:02:50
19 concealed information from you regarding your loans? 10:02:56
20 A. It's not clear versus concealed in my opinion. 10:03:00
21 Q. And what's not clear, what are you referring to 10:03:12
22 when you say it's not clear? 10:03:15
23 A. The rhyme or reason as to where payments are 10:03:17
24 being allocated when a payment is made, towards interest 10:03:21
25 or towards principal for a monthly payment or an 10:03:30

1 overpayment. 10:03:39

2 Q. Did you make any overpayments, did you ever pay 10:03:40

3 more than the monthly amount on your student loans? 10:03:43

4 A. No, I did not. 10:03:45

5 Q. Are you aware of any loyalty program that 10:03:46

6 Navient Solutions offers? 10:03:50

7 A. I'm not, no. 10:03:51

8 Q. Have you ever heard of something called 10:03:54

9 Upromise? 10:03:58

10 A. I have heard of it. 10:03:58

11 Q. Do you know what it is? 10:03:59

12 A. It's a credit card that if you make payments 10:04:00

13 towards that using that credit card that it would pay a 10:04:08

14 portion of your loan, that's my understanding of 10:04:12

15 Upromise in general. 10:04:16

16 Q. Did you apply for that credit card? 10:04:19

17 A. No. 10:04:21

18 Q. What is the office of customer advocate at 10:04:21

19 Navient Solutions? 10:04:30

20 A. I don't know. 10:04:30

21 Q. Can you identify any misrepresentations that 10:04:30

22 Navient Solutions made to you? 10:04:40

23 A. Can you explain what you mean by 10:04:41

24 misrepresentation. 10:04:44

25 Q. A misrepresentation would be something that's 10:04:46

1 not true, a statement of fact that's not true. 10:04:50

2 A. I don't have one. 10:04:58

3 Q. We spoke earlier about the fact that you called 10:05:28

4 Navient Solutions a few times about your loans and your 10:05:32

5 husband's loans, do you remember that? 10:05:35

6 A. Yes. 10:05:37

7 Q. In those conversations did you believe that the 10:05:37

8 information that customer service provided to you was 10:05:47

9 adequate? 10:05:49

10 A. It was so long ago, honestly I don't know if it 10:05:50

11 was adequate. 10:05:57

12 Q. Do you remember anything about it that was not 10:05:58

13 adequate? 10:06:00

14 A. I don't. 10:06:01

15 Q. Have you used the Navient Solutions' Website for 10:06:02

16 reviewing information about your loans? 10:06:09

17 A. Yes. 10:06:15

18 Q. Is there anything about the Website that you 10:06:16

19 think is inadequate or confusing? 10:06:20

20 A. Yes, the fact that I would have to go into each 10:06:22

21 loan separately in order to pull information versus 10:06:29

22 having one area platform and see it all in one section. 10:06:33

23 Q. Do you have any idea why the loans were 10:06:39

24 separated? 10:06:42

25 A. I don't. 10:06:42

1 displayed in this format on the Website? 11:55:29

2 A. Most likely. 11:55:31

3 Q. I'm sorry, not likely or most likely? 11:55:32

4 A. Most likely. 11:55:35

5 Q. Most likely, okay. And this lays out the 11:55:36

6 history by date on both loans, do you agree with that? 11:55:42

7 A. I see that. 11:55:46

8 Q. Okay. Aside from the documents that we looked 11:55:47

9 at today, are there any other documents that you would 11:55:58

10 rely on to support your claims in this case? 11:56:01

11 A. No, I don't believe so. 11:56:03

12 Q. Can you explain to me your understanding of your 11:56:16

13 role as a proposed class representative in this case? 11:56:19

14 A. My role would be that if there are issues with 11:56:22

15 misallocation of interest, principal for payments made, 11:56:32

16 it's happened to others, then it could be possibly 11:56:36

17 happening to me. 11:56:40

18 MS. SIMONETTI: Can you read that back, I 11:56:44

19 may not have heard it correctly. 11:56:46

20 A. Sure. If misallocation -- 11:56:48

21 Q. No, I asked the reporter to read it back, I may 11:56:51

22 not have heard it correctly. 11:56:54

23 (Requested material read back.) 11:56:56

24 Q. Okay. That's fine. Can you tell me why you 11:57:16

25 think that your counsel are suitable class counsel? 11:57:21